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TRIAL

OF

THE MAJOR WAR CRIMINALS

BEFORE

THE INTERNATIONAL MILITARY TRIBUNAL

NUREMBERG

14 NOVEMBER 1945 — 1 OCTOBER 1946

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PROCEEDINGS

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SEVENTY-SEVENTH DAY

Friday, 8 March 1946

Morning Session

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): I have three announcements to make.

First, to avoid unnecessary translation, Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use, in order that the Prosecution may have an opportunity to object to irrelevant passages. In the event of disagreement between the Prosecution and the Defense as to the relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated, unless the Prosecution require translation of the entire document.

Second, the Tribunal has received an application from Dr. Nelte, counsel for the Defendant Keitel, inquiring whether a defendant, in order to support his memory, may make use of written notes while giving oral evidence. The Tribunal sanctions the use of written notes by a defendant in those circumstances, unless in special cases the Tribunal orders otherwise.

Third, cases have arisen where one defendant has been given leave to administer interrogatories to or obtain an affidavit from a witness who will be called to give oral evidence on behalf of another defendant. If the witness gives his oral evidence before the case is heard in which the interrogatory or affidavit is to be offered, counsel in the latter case must elicit the evidence by oral examination, instead of using the interrogatory or affidavit.

That is all.

I now call upon counsel for the Defendant Göring.

DR. OTTO NELTE (Counsel for Defendant Keitel): Mr. President, in yesterday's afternoon session, you observed that application Number 2, which I had submitted as a supplement, had not yet been discussed orally. I was unfortunately not present at the afternoon session yesterday. It is a question of a subsequent, formal supplement to my applications regarding the witnesses Westhoff and Wielen. Both of these witnesses had already been granted me in the open Tribunal session. I submitted these names again only in order to complete my application.

As an addition I mentioned only State Secretary Stuckart, a witness who also has already been granted me previously by a decision of the Tribunal. I believe, therefore, that I do not need to discuss this supplementary application, and that the Prosecution have no objection to this action.

THE PRESIDENT: Yes, Dr. Nelte, General Westhoff and Wielen have already been granted to you, and there is no need for any further application.

DR. NELTE: Is State Secretary Stuckart also granted me, Your Honor?

THE PRESIDENT: Westhoff and Wielen have already been granted to you, and there is no need for any further application. I am afraid it is difficult to remember these names. I think that Stuckart has been granted to you.

DR. NELTE: Yes.

THE PRESIDENT: Yes, I am told he has.

DR. ALFRED THOMA (Counsel for Defendant Rosenberg): Mr. President, at yesterday's afternoon session my name was also mentioned in the following connection: I have hitherto submitted only written applications, and I must now present them orally. I assume that this refers to the written application which I handed in with my document and witness list, in which, in a rather lengthy written application, I requested that I might have permission to submit in evidence as historical documents of the time, quotations from theological and philosophical works which were considered important at the time of Rosenberg's public power. I beg Your Honor to inform me whether this is the application in question.

I should like to repeat: The President told me yesterday that I should repeat my written application orally. Therefore I should like to ask whether this refers to the written request that I handed in with my list of witnesses and documents.

THE PRESIDENT: Dr. Thoma, so far as the Tribunal knows, everything will be covered by the written order which the Tribunal will make upon your application. It is not convenient, really, to deal with these matters now by way of oral requests, but everything that is in your written application will be covered by a written order of the Tribunal. It will be subject, of course, to the order which I have announced this morning, in order to assure that there will be no more translation than is absolutely necessary.

DR. OTTO STAHMER (Counsel for Defendant Göring): Mr. President and Gentlemen of the Tribunal, before I start with my presentation I beg to make two supplementary applications. I am aware of the fact that supplementary requests as such should be put in

writing. But since it is a question of several requests, I should like to have your decision whether I should submit these applications now or whether the Tribunal desires a written request.

THE PRESIDENT: You may put your request now, verbally, but we would prefer to have it in writing afterwards as soon as possible.

DR. STAHMER: I name first Major Bütz, who is in custody here in Nuremberg, as a witness for the following facts: Reich Marshal Göring repeatedly opposed in the summer of 1944 the measures which Hitler had ordered against aviators taking part in terror attacks. Furthermore, he knows that no order was issued either by the Luftwaffe or by the Wehrmacht corresponding to Hitler's orders regarding terror aviators. Finally, he can give evidence in regard to the following: An officer of the Luftwaffe in May 1944 in Munich protected an airman, who had bailed out, from the lynching which the crowd wanted to carry out. Hitler, who had knowledge of this incident, demanded of Göring the name of this officer, and that he be punished. In spite of repeated inquiries on Hitler's part, Göring did not give the name of this officer, although he knew it, and in this way protected him. This is the application regarding the witness Bütz. Another supplementary request is concerned with the following: In the session of 14 February 1946 the Soviet Prosecution submitted that a German military formation, Staff 537, Pioneer Battalion, carried out mass shootings of Polish prisoners of war in the forests near Katyn. As the responsible leaders of this formation, Colonel Ahrens, First Lieutenant Rex, and Second Lieutenant Hodt were mentioned. As proof the Prosecution referred to Document USSR-64. It is an official report of the Extraordinary State Commission of the Soviet Union which was ordered to investigate the facts of the well-known Katyn case. The document I have not yet received. As a result of the publication of this speech by the Prosecution in the press, members of the staff of the Army Group Center, to which Staff 537 was directly subordinate and which was stationed 4 to 5 kilometers from Staff 537, came forward. These people stated that the evidence upon which the Prosecution have based the statement submitted was not correct.

The following witnesses are mentioned in this connection:

Colonel Ahrens, at that time commander of 537, later chief of army armament and commander of the auxiliary army; First Lieutenant Rex, probably taken as a prisoner of war at Stalingrad; Lieutenant Hodt, probably taken prisoner by the Russians in or near Königsberg; Major General of intelligence troops, Eugen Oberhauser, probably taken prisoner of war by the Americans; First Lieutenant Graf Berg—later ordnance officer with Field Marshal Von Kluge—a prisoner of war in British hands in Canada. Other members of the units which are accused are still to be mentioned. I name these

witnesses to prove that the conclusion as to the complicity of Göring drawn by the Prosecution in the above-mentioned statement is not justified according to the Indictment.

This morning I received another communication bearing on the same question, which calls for the following request: Professor Naville, professor of forensic medicine at the University of Geneva, carried out, with an international commission at Smolensk, investigations of the bodies at that time. He established from the state of preservation of these corpses, from the notes found in the pockets of their clothes, and other means of evidence, that the deed must have been committed in the year 1940.

Those are my requests.

THE PRESIDENT: If you will put in those requests in writing, the Tribunal will consider them.

DR. STAHMER: And now I come to the . . .

THE PRESIDENT: Just one minute. Dr. Stahmer, if you would communicate your written application to the Prosecution, they would then be able to make a written statement if they have any objection to it. You will do that as soon as possible. Let us have both your written application and the Prosecution's answer to it.

DR. STAHMER: The Tribunal has ordered in its decision of 11 December 1945 that the Defense is entitled to one speech only. This shall take place only after the conclusion of the hearing of the evidence. The Tribunal decided some time later that explanatory words may be permitted at the present stage of the proceedings in connection with the presentation of documents by the Defense. The witnesses have already been named by me. A decision has been made concerning their admission except for today's request and, with the Court's permission, I shall call a witness shortly. Before I do that, I wish to make the following comments to the documents to which I shall refer during my final speech:

The Prosecution have charged the defendant repeatedly with the violation of the Treaty of Versailles. This charge is not justified in the opinion of the Defense. Detailed statements on this question belong to the concluding speech of the Defense and will therefore be dealt with there. The present part of the proceedings deals only with the production of documents which will be used to support the contention that the Treaty was not violated by Germany but that the German Reich was no longer bound by it. I submit that the Fourteen Points of the American President Wilson, which were the basis of that Treaty, are commonly known, and therefore do not need further proof, according to Paragraph 21 of the Charter.

The Treaty of Versailles has already been submitted to the Tribunal. It was published in the *Reichsgesetzblatt*, 1919, Page 687.

Editor's Note

In spite of the meticulous care given to this edition certain inexactitudes may slip in, some originating with the speakers themselves. In order to give a faithful rendering of the Record we are avoiding alterations, but corrective notes will be printed in the final volume.

The General Secretary's Office would be grateful if the reader would draw to his attention any errors or omissions, so that they may also be included in the list of corrections.

S. Paul A. Joosten
Deputy General Secretary
Editor of the Record

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Of this Treaty of Versailles, Article 8 and Part V are important for its interpretation. These provisions insofar as they are of interest here, read as follows—I quote the first four paragraphs of Article 8:

"The members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation, and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several governments.

"Such plans shall be subject to reconsideration and revision at least every 10 years.

"After these plans shall have been adopted by the several governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council."

The first paragraph of Part V reads:

"In order to render possible the introduction of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval, and air clauses which follow."

These regulations infer, not only that Germany had to disarm, but also that the signatories of the pact were likewise bound to disarm. Germany, however, was committed to start disarmament first. Germany completely fulfilled this commitment.

On 17 February 1927 Marshal Foch stated, "I can assure you that Germany has actually disarmed."

Therefore, the signatories of the pact had to fulfill their commitment to disarm. As they did not disarm, Germany was no longer bound by the pact according to general principles of law, and she was justified in renouncing her obligations.

This interpretation agrees with the point of view which has been expressed by French as well as by English statesmen. Therefore, I should like to refer to the speech made by Paul Boncour on 8 April 1927, in which Boncour stated as follows—I quote from Document Book 1, Page 28:

"It is correct that the introduction to Part V of the Treaty of Versailles concerns the limitation of armaments which was imposed on Germany as a prerequisite and as the forerunner of a general limitation of armaments. This brings out very clearly the difference between the armament restrictions of Germany and other similar armament restrictions which in the course of history have been imposed after the conclusion of wars. This time these regulations—and in this lies their

entire value—have been imposed not only on one of the signatories to the Treaty, but they are rather a duty, a moral and legal responsibility, for the other signatories to proceed with a general limitation of armaments."

Further, I should like to refer to the speech by David Lloyd George on 7 November 1927, in which he particularly describes the memorandum to the skeleton note of 16 June 1919, as—and I quote from the Document Book 1, Page 26:

"... document which we handed Germany as a solemn pledge on the part of Britain, France, Italy, Belgium, and 20 other nations to follow Germany's example after she was disarmed."

The Treaty of Versailles was felt not only by the German people to be a bitter injustice—there were numerous voices even in foreign countries that called the Treaty exceedingly unfair for Germany. I am quoting the following from Rothermere's *Warnings and Prophecies,* Document Book 1, Page 30:

"Germany was justified in feeling that she had been betrayed in Versailles. Under the pretext..."

MR. JUSTICE ROBERT H. JACKSON (Chief of Counsel for the United States): *[Interposing.]* I call the Tribunal's attention to the fact that the documents which are now being read into the record are documents which, as I understand it, were excluded as irrelevant by the Tribunal when that matter was before it before. They are matters of a good deal of public notoriety and would not be secret if they were not in evidence; but I think the reading of them into the record is in violation of the Tribunal's own determination.

THE PRESIDENT: Dr. Stahmer, the Tribunal has suspected that these documents had been excluded, and they have sent for the original record of their orders. But I must say now that the Tribunal expects the defendants' counsel to conform to their orders and not to read documents which they have been ordered not to read.

[At this point Defendant Hess was led out of the courtroom.]

DR. STAHMER: Shall I continue?

THE PRESIDENT: Certainly.

DR. STAHMER: "Under the pretext that it was the first step to world disarmament, Germany was forcibly disarmed. Great Britain was, indeed, also deceived. She had actually continued to disarm for a period of 15 years. But from the day on which the various peace treaties were signed, France encouraged a number of small states to powerful rearmament and the result was that 5 years after Versailles, Germany was surrounded by a much tighter ring of iron than 5 years

before the World War. It was inevitable that a German regime, which had renounced Versailles, would at the first opportunity rearm heavily. It was evident that its weapons, diplomatically, if not in the true sense of the word, were to be directed against the powers of Versailles."

In the same way the Locarno Pact is contested, with a breach of which the defendant is also charged, and, as far as the Defense are concerned, unjustifiably.

Germany renounced this pact and could do so rightfully because France and Soviet Russia had signed a military assistance pact, although the Locarno Pact provided a guarantee of the French eastern border. This act by France, in the opinion of Germany, was in sharp contrast to the legal situation created by the Locarno Pact.

In a speech of Plenipotentiary Von Ribbentrop before the League of Nations on 19 March 1936, this opinion was expressed in the following terms—I quote from Document Book 1, Page 32 . . .

THE PRESIDENT: Dr. Stahmer, I have before me now the order of the Tribunal of 26 February 1946, and Paragraph 4 of that order is in the following terms: "The following documents are denied as irrelevant," and then the heading "Göring," and the fourth of the documents is the speech by Paul Boncour on 8 April 1927; and the sixth is the speech by Lloyd George on 7 November 1927, which you have not read but which you have put into your trial brief. I would again call your attention, and the attention of all the Defense Counsel, to the fact that they will not be allowed to read any document which has been denied by the Tribunal. Go on.

DR. STAHMER: This quotation is as follows:

". . . but it is also clear that if a world power such as France, by virtue of her sovereignty, can decide upon concluding military alliances of such vast proportions without having misgivings on account of existing treaties, another world power like Germany has at least the right to safeguard the protection of the entire Reich territory by re-establishing within her own borders the natural rights of a sovereign power which are granted all peoples."

Before I take up the question of aggressive war in detail I have the intention, if I have the permission of the Tribunal, to call on the first witness, General of the Air Force Bodenschatz.

THE PRESIDENT: Yes, certainly.

[The witness Karl Bodenschatz took the stand.]

THE PRESIDENT: What is your name?

KARL BODENSCHATZ (Witness): Karl Bodenschatz.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHMER: General Bodenschatz, since when have you known Reich Marshal Göring?

BODENSCHATZ: I have known Reich Marshal Göring since June 1918.

DR. STAHMER: In what capacity did you get to know him?

BODENSCHATZ: I came to know him when he was the commander of the Richthofen Squadron. I was at that time the adjutant of Rittmeister Freiherr von Richthofen who had just been killed in action.

DR. STAHMER: Were you taken into the Reichswehr at the end of the first World War?

BODENSCHATZ: At the end of the first World War I was taken into the Reichswehr as a regular officer and remained from the year 1919 until April 1933.

DR. STAHMER: When, after the completion of the World War, did you resume your connection with Göring?

BODENSCHATZ: In November 1918 I was with Göring at Aschaffenburg, at the demobilization of the Richthofen Fighter Squadron, and later in the spring of 1919 I was with him again for several weeks in Berlin. There our paths separated. Then I met Göring for the first time again at his first wedding, and I believe that was in the year 1919 or 1920. I cannot remember exactly. Up to 1929 there was no connection between us. In the year 1929, and until 1933, I met Hermann Göring several times here in Nuremberg where I was a company commander in Infantry Regiment 21. My meetings with Göring here in Nuremberg were solely for the purpose of keeping up the old friendship.

DR. STAHMER: And then in the year 1939, you entered the Luftwaffe?

BODENSCHATZ: In 1933 I reported to Hermann Göring in Berlin. At that time, Göring was Reich Commissioner of the Luftwaffe and I became his military adjutant.

DR. STAHMER: How long did you retain this post as adjutant?

BODENSCHATZ: I retained this post as adjutant until the year 1938. Later I became Chief of the Ministerial Bureau, 1938.

DR. STAHMER: And what position did you have during the war?

BODENSCHATZ: During the war, I was liaison officer between the Commander-in-Chief of the Luftwaffe and the Führer's headquarters.

DR. STAHMER: Were you at the headquarters, or where?

BODENSCHATZ: I was alternately at the Führer's headquarters and at the headquarters of the Commander-in-Chief of the Luftwaffe.

DR. STAHMER: When did you leave that position?

BODENSCHATZ: I left that position on 20 July 1944, because I was seriously wounded that day.

DR. STAHMER: And what was the cause of your being wounded?

BODENSCHATZ: The plot against Hitler.

DR. STAHMER: You were present?

BODENSCHATZ: Yes.

DR. STAHMER: And what were your tasks at the Führer's headquarters?

BODENSCHATZ: It was my duty in the Führer's headquarters to report on special events, special matters, inquiries, and desires of the Reich Marshal if he were absent, and to transmit them. I also had to transmit inquiries from the Führer's headquarters direct to Hermann Göring. Then I had to inform Hermann Göring early, that is, not through official channels, regarding all that took place in the Führer's headquarters insofar as it was of interest to him in his capacity as Reich Marshal.

DR. STAHMER: Did you take part regularly in the conferences?

BODENSCHATZ: I was a listener at these conferences.

DR. STAHMER: From what time onwards did Reich Marshal Göring lose his influence with Hitler?

BODENSCHATZ: According to my personal opinion and conviction, Hermann Göring began to lose influence with Hitler in the spring of 1943.

DR. STAHMER: And what were the reasons?

BODENSCHATZ: That was the beginning of large-scale air attacks by night by the R.A.F. on German towns, and from that moment there were differences of opinion between Hitler and Göring which became more serious as time went on. Even though Göring made tremendous efforts, he could not recapture his influence with the Führer to the same extent as before. The outward symptoms of this waning influence were the following:

First, the Führer criticized Göring most severely. Secondly, the eternal conversations between Adolf Hitler and Hermann Göring

became shorter, less frequent, and finally ceased altogether. Thirdly, as far as important conferences were concerned, the Reich Marshal was not called in. Fourthly, during the last months and weeks the tension between Adolf Hitler and Hermann Göring increased to such a degree that he was finally arrested.

DR. STAHMER: Do you know anything about this arrest? What was the cause?

BODENSCHATZ: I have no exact information about it. I can only tell you what I heard. I was at that time in Bad Reichenhall in the military hospital. I merely heard that Reich Marshal Göring had sent a telegram to the Führer, and in this telegram Göring requested that, since the Führer no longer had freedom of action, he might act himself. As the result of this telegram, which was sent by wireless to Berlin, the arrest took place. I would like to emphasize that I only heard that. I have no proof of any of these statements.

DR. STAHMER: And who made the arrest?

BODENSCHATZ: I cannot tell you about that because I know nothing. I heard, however, that a Kommando of the SS from Obersalzberg made the arrest.

DR. STAHMER: Did Field Marshal Göring have any previous knowledge of the incidents against the Jews which took place during the night of 9 to 10 November 1938?

BODENSCHATZ: Göring had no previous knowledge of these incidents. I inferred that from his demeanor—how he acted towards me with regard to these incidents. He acted in the following manner: When he heard of these happenings he was dismayed and condemned them. A few days later he went with proof to the Führer and complained about the people who had instigated these incidents. Captain Wiedemann, the adjutant of the Führer, can give you further particulars on the subject on oath.

Several weeks later, Hermann Göring called all the Gauleiter to Berlin, in order to make clear his attitude regarding the incidents of the 9th and 10th. He was violently opposed to these individual acts of barbarism. He criticized them severely as unjust, as economically unreasonable and harmful to our prestige in foreign countries. The former Gauleiter, Dr. Uiberreither, who took part in this conference of Gauleiter, has already given further particulars on oath.

DR. STAHMER: Were you present at a conference which took place in the beginning of August 1939 at Soenke Nissen Koog near Husum?

BODENSCHATZ: Yes. I personally took part in that conference.

DR. STAHMER: Who was present there?

BODENSCHATZ: As far as I remember the following were present: Hermann Göring; Herr Dahlerus, from Stockholm; six to eight English economic experts, whose names I do not recall; I was present, and there was an interpreter, Ministerialrat Dr. Böcker.

DR. STAHMER: Can you tell us about the subject of this conference?

BODENSCHATZ: I cannot remember it word for word, but as far as I can tell you Hermann Göring made the following statements . . .

THE PRESIDENT: Dr. Stahmer, did the witness say where this conference took place?

DR. STAHMER: Yes.

THE PRESIDENT: Would you tell us where it was?

DR. STAHMER: *[To the witness.]* Please repeat where this conference took place.

BODENSCHATZ: The conference took place at the beginning of August at Soenke Nissen Koog near Husum, Schleswig-Holstein.

DR. STAHMER: Please continue. You were going to tell us about the subject of this conference.

BODENSCHATZ: I repeat, in substance, Göring made the following statement: At that moment relations between England and Germany were very tense. Under no circumstances should this tension be increased or peace be endangered. The welfare and the trade of our two countries could only flourish and prosper in peace. It was to the greatest interest of Germany and Europe that the British Empire should continue to exist. Göring emphasized that he himself would do his utmost for the maintenance of peace. He requested the British business leaders, on their return home, to use their influence in authoritative circles for that purpose.

DR. STAHMER: Did Göring give you his opinion on how the foreign policy of the Reich should be carried out? When and on what occasions did conversations take place?

BODENSCHATZ: Hermann Göring often discussed these topics with me, in 1938 and 1939, especially during the period following the Munich agreement. These conversations would take place perhaps in connection with a report, or perhaps in his special train. Hermann Göring was always of the opinion that the policy of the Reich must be directed in such a way as to avoid war if possible. Hermann Göring dealt with this topic at particularly great length in a conference with the Gauleiter in the summer of 1938 in Karinhall. Dr. Uiberreither, whom I have previously mentioned, has already given further sworn testimony to this effect.

DR. STAHMER: Did Field Marshal Göring speak to you before leaving for Munich in September 1938?

BODENSCHATZ: Before Hermann Göring left for Munich, he told me he would do everything within his power to effect a peaceful settlement. He said, "We cannot have war." He exerted his influence on the Führer to this effect, and during the negotiations in Munich he worked decisively for the preservation of peace. When he left the conference hall after the conference at Munich he said to us spontaneously, "That means peace."

DR. STAHMER: Did he often discuss with you for what reason he was against a war, and on what occasions?

BODENSCHATZ: We talked about this topic very frequently. He always said to me:

> "In the first World War as an infantry officer and as an air force officer I was constantly at the front. I know the horrors of a war, and, therefore, my attitude is to preserve the German people from these horrors if possible. My ambition is to solve conflicts peacefully."

In general, his opinion was that war is always a risky and unsure business. Even if you win a war, the advantages are in no relation whatsoever to the disadvantages and sacrifices which have to be made. If you lose the war, then, in our position, everything is lost. Our generation has already experienced the horrors of a great World War and its bitter consequences. To expect the same generation to live through another war would be unthinkable.

I would like to add that Hermann Göring, according to his inner thoughts and character, was never in favor of war. Nothing was further from his mind than the thought of a war.

DR. STAHMER: Did Göring converse with you about what were, according to his wish, the aims to be accomplished by the rearmament which Germany had undertaken? When and on what occasion?

BODENSCHATZ: Hermann Göring spoke with me about these matters in the year 1935 after the Wehrfreiheit had been proclaimed. He described Germany's rearmament, after vain attempts to achieve general limitation of armament, as an attempt at equality with the armament of other countries, in order to be able to collaborate with other powers in world politics with equal rights.

DR. STAHMER: Did conversations of this kind take place after 1935 also?

BODENSCHATZ: Yes. Now and then we resumed such conversations and he spoke in a similar vein.

DR. STAHMER: Did you find out through Reich Marshal Göring what purpose the Four Year Plan was to serve?

BODENSCHATZ: I happened to speak with Göring about this matter in the year 1936, and that was after the Four Year Plan had been announced. He explained it to me as follows: That in this plan he saw a means of securing for Germany those raw materials which she could not import in peacetime because of the lack of foreign exchange or whose import in an emergency might possibly be cut off.

DR. STAHMER: When and on what occasion did Göring give you his opinion on the Russian campaign?

BODENSCHATZ: Towards the end of 1941, after the first reverses in the Russian campaign, Hermann Göring talked with me about the fighting in the East. He said to me:

"Adolf Hitler foresaw a very hard battle in the East, but he did not count on such reverses. Before the beginning of this campaign I tried in vain to dissuade Adolf Hitler from his plan of attacking Russia. I reminded him that he himself, in his book *Mein Kampf*, was opposed to a war on two fronts and, in addition, I pointed out that the main forces of the German Luftwaffe would be occupied in the East, and England, whose air industry was hit, would breathe again and be able to recover."

THE PRESIDENT: Would that be a convenient time to break off for 10 minutes?

[A recess was taken.]

THE PRESIDENT: The Tribunal has observed that the witness is using notes whilst giving his evidence. The ruling which I announced this morning was confined to the defendants and did not extend to witnesses. Nevertheless, the Tribunal will allow the same rule to be applied to witnesses. But the evidence must not be read, the purpose of the rule being merely to assist recollection in giving evidence.

[Turning to Dr. Stahmer.]

Yes, Dr. Stahmer.

DR. STAHMER: Do you know whether people turned to the Reich Marshal with the request that their relatives should be freed from concentration camps or to help them in their difficulties with the Gestapo?

BODENSCHATZ: The Chief of Staff is the person who can answer that question. I myself only heard that such requests were made to the Reich Marshal.

DR. STAHMER: Did you not have to deal with such requests in the military section?

BODENSCHATZ: In the military section I had to deal with the requests which were concerned with the Luftwaffe. But they were only requests regarding the arrests of German citizens who stated that they had not been given the reason for their arrest. We also received communications regarding detention, grievances, and also regarding arrests of Jews. Requests of this kind came to me only from Luftwaffe sources or from my immediate circle of acquaintances.

DR. STAHMER: How were such requests treated?

BODENSCHATZ: Such requests were always treated as follows:

Most of the requests, which came from the broad masses of the people, were submitted to the Reich Marshal through the Staff. Those requests that came from the Luftwaffe were presented through my office, and requests that came from the Reich Marshal's relatives or friends, they themselves presented. The Reich Marshal did not refuse his help in these cases. In individual cases he asked the Führer personally for a decision.

In all the cases that I dealt with help could be given.

DR. STAHMER: Did many Jews turn to Göring with requests for help?

BODENSCHATZ: Yes, Jews, and particularly Jews of mixed blood applied to Reich Marshal Göring.

DR. STAHMER: How were these requests handled?

BODENSCHATZ: The Reich Marshal did not deny his help and he gave instructions whenever possible that help should be given.

DR. STAHMER: What was Göring's general attitude to human society?

BODENSCHATZ: In his feelings, thoughts, and actions, as far as human society was concerned, he was a benefactor to all in need. He was always ready to help those who were in need, for instance sick people, wounded, the relatives of those who had been killed in the war and of prisoners of war.

Care for the working classes was particularly important to him. Here is an example of this: The introduction of miners' compensation. Every miner who had completed 25 years of steady work was to receive over 20,000 marks. This is one of his most important social works.

DR. STAHMER: Did you know of the conditions in the concentration camps?

BODENSCHATZ: I had no knowledge of the conditions in the concentration camps.

DR. STAHMER: Were the concentration camps spoken of at the Führer's headquarters during discussions with the Führer, or on any other occasion?

BODENSCHATZ: In the Führer's headquarters I never heard the Führer speak about the concentration camps. He never discussed them in our circle.

DR. STAHMER: Was the question of the annihilation of the Jews discussed there?

BODENSCHATZ: No, it was not; not in his discussions with me, at any rate.

DR. STAHMER: Not even in discussions on the war situation?

BODENSCHATZ: No, I cannot remember him ever discussing the annihilation of the Jews in my presence during discussions on the war situation.

DR. STAHMER: Did anyone else there mention anything?

BODENSCHATZ: No.

DR. STAHMER: Not Himmler?

BODENSCHATZ: He never discussed the subject with Himmler. I have only heard since being in prison that Himmler's reply to people who spoke to him on this matter was, "What you have heard is not true; it is incorrect." I personally did not discuss this question with Himmler.

DR. STAHMER: Did you know how many concentration camps there were?

BODENSCHATZ: Everyone knew that the camps existed, but I was not aware that so many existed. It was only after the war that I learned the names of Mauthausen and Buchenwald from the newspaper. I only know of the camp of Dachau because I happen to come from Bavaria.

DR. STAHMER: Did you never hear of the atrocities either?

BODENSCHATZ: No, I never heard of the atrocities. The very first time I heard was last year, when I reported to the Reich Marshal—to be exact it was the middle of March 1945—when I reported my departure on sick leave. The Reich Marshal told me during lunch that very many Jews must have perished there and that we should have to pay dearly for it. That was the first time that I heard of crimes against the Jews.

DR. STAHMER: I have no further questions. I can now turn the witness over to the other Defense Counsel and to the Prosecution.

THE PRESIDENT: Does any Defense Counsel wish to ask any questions of this witness?

DR. HANS LATERNSER (Counsel for the General Staff and High Command of the German Armed Forces): I have only a few questions to ask this witness.

[Turning to the witness.]

Witness, in your capacity as liaison officer of the Commander-in-Chief of the Luftwaffe at the Führer's headquarters you took part, as you have already mentioned, in the discussions on the war situation. Did you also take part in discussions on the war situation when front-line commanders were making their reports to Hitler?

BODENSCHATZ: I personally did not take part in such discussions. At two discussions, however, I was in the adjoining room, once when Field Marshal Von Kleist was there for a conference, and the second time was when the leader of the Crimea Army came to make a report after the evacuation of the Crimea. I was, as I said, not actually present at those conferences, but I heard, in the adjoining room, that there were some differences of opinion between Hitler and the commander in question as they were raising their voices. That is all I can say.

DR. LATERNSER: Did you hear enough to follow the trend of this discussion?

BODENSCHATZ: No, I could not follow the trend nor the substance of these discussions.

DR. LATERNSER: In that case I have no further questions.

THE PRESIDENT: Does any other Defense Counsel wish to ask any questions?

[There was no response.]

Then does the Prosecution wish to ask any questions?

MR. JUSTICE JACKSON: May it please the Tribunal.

[Turning to the witness.] You are at the present time a prisoner of war of the United States?

BODENSCHATZ: I beg your pardon. Could you please repeat the question. I did not understand it.

MR. JUSTICE JACKSON: You are at the present time a prisoner of war of the United States?

BODENSCHATZ: At the present time I am a prisoner of war of the United States.

MR. JUSTICE JACKSON: You have been interrogated on a number of occasions by representatives of the United States?

BODENSCHATZ: I was interrogated several times by representatives of the United States.

MR. JUSTICE JACKSON: You have also had a number of consultations with Dr. Stahmer who has just examined you?

BODENSCHATZ: I have had several discussions with Dr. Stahmer who has just addressed questions to me.

MR. JUSTICE JACKSON: Those questions were addressed to you some time ago and you prepared your answers in writing?

BODENSCHATZ: Those questions were submitted to me beforehand and I was able to prepare my answers.

MR. JUSTICE JACKSON: Coming to the subject of the concentration camps and the activities of your department in releasing persons from them—as I understand, a large number of applications came to the Göring office for release from concentration camps?

BODENSCHATZ: I stated before that the requests for release from concentration camps did not come to my department but to the Staff office. I received only the requests and complaints in which people begged for help because they had been arrested, among them Jews who were to be arrested.

MR. JUSTICE JACKSON: And were those applications that did come to you numerous?

BODENSCHATZ: My sector covered only the Luftwaffe. There were perhaps 10 to 20 such applications.

MR. JUSTICE JACKSON: And those applications were from persons who were threatened with imprisonment, or had been imprisoned, or both?

BODENSCHATZ: Partly from people who were threatened with arrest and partly from people who had already been arrested.

MR. JUSTICE JACKSON: And in each case, as I understand you, you intervened to help them.

BODENSCHATZ: On the instructions of the Reich Marshal, I helped in all cases that were submitted to me.

MR. JUSTICE JACKSON: And did you know of any other cases that came to the Staff in which help was not given to the imprisoned persons?

BODENSCHATZ: I do not know anything about that. I only heard from Dr. Gritzbach, Chief of Staff, that requests that came to him also were settled in a humane way.

MR. JUSTICE JACKSON: Now, were the persons that you intervened for innocent of crime or were you helping out those who were guilty of crime?

BODENSCHATZ: Those I helped were innocent people.

MR. JUSTICE JACKSON: So it came to your notice that innocent people were being put in concentration camps?

BODENSCHATZ: Could you please repeat that question.

MR. JUSTICE JACKSON: It came to your notice that innocent people then were being put in concentration camps?

BODENSCHATZ: Had not been put into concentration camps, but were destined for them.

MR. JUSTICE JACKSON: I thought you said you intervened for some who had been arrested.

BODENSCHATZ: Yes; they were not taken to concentration camps. I will give you a practical example. A comrade of mine, from the Richthofen Squadron, a Jew by the name of Luther, was arrested by the Gestapo, that is to say, he was not taken to a concentration camp, but first was simply arrested by the Gestapo. His lawyer informed me. I informed the Reich Marshal of this case, and the Reich Marshal instructed me to have this man freed from his temporary custody by the Gestapo in Hamburg. He was not yet in a concentration camp. So far as I know this case happened in 1943.

MR. JUSTICE JACKSON: What was he charged with when he was arrested?

BODENSCHATZ: He was arrested because he was a Jew, and he had been told that he had committed an offense against decency in that he had been with an Aryan woman in a hotel.

MR. JUSTICE JACKSON: And did you make any inquiries as to whether the charge was true?

BODENSCHATZ: I did not have to make such inquiries because I had no difficulty in obtaining his release. When I called up, he was released and thereafter stayed under the protection of Hermann Göring.

MR. JUSTICE JACKSON: Whom did you call up to get his release?

BODENSCHATZ: The chief of the Gestapo office in Hamburg. I do not know the name. I did not make the call myself but had it done by my assistant, Ministerialrat Dr. Böttger.

MR. JUSTICE JACKSON: So that the Gestapo would release persons upon the request of Hermann Göring?

BODENSCHATZ: Not from Hermann Göring's office, but the Reich Marshal gave instructions that it should be carried out, and it was carried out.

MR. JUSTICE JACKSON: I thought you said your assistant called up. Did Göring also call the Gestapo himself?

BODENSCHATZ: No, he did not call himself, not in this case.

MR. JUSTICE JACKSON: So that even though this man may have been guilty of the charge, if he belonged to the Luftwaffe he was released, on the word of the Reich Marshal?

BODENSCHATZ: He was not a member of the Luftwaffe, he was a civilian. He had previously been one of our comrades in the Richthofen Squadron. He was not in the Wehrmacht during the war.

MR. JUSTICE JACKSON: But your instructions were to release all persons who were Jews or who were from the Luftwaffe? Were those your instructions from Göring?

BODENSCHATZ: The Reich Marshal told me, again and again, that in such cases I should act humanely, and I did so in every case.

MR. JUSTICE JACKSON: How did you find out that Jews were arrested against whom there were no charges?

BODENSCHATZ: In one case, in the case of the two Ballin families in Munich, these were two elderly married couples, more than 70 years old. These two couples were to be arrested, and I was informed of this. I told the Reich Marshal about it, and he told me that these two couples should be taken to a foreign country. That was the case of the two Ballin couples who, in 1923, when Hermann Göring was seriously wounded in front of the Feldherrnhalle, and was taking refuge in a house, received him and gave him help. These two families were to be arrested.

MR. JUSTICE JACKSON: For what?

BODENSCHATZ: They were to be arrested because there was a general order that Jews should be taken to collection camps.

MR. JUSTICE JACKSON: And you knew of that order?

BODENSCHATZ: I did not know of the order. It was only through these examples which were brought to my notice that it became clear to me that this evacuation was to take place. I had never read the order myself nor even heard of it, because I had nothing to do with it.

MR. JUSTICE JACKSON: It came to your attention that Jews were being thrown into concentration camps merely because they were Jews?

BODENSCHATZ: In this case I am not speaking of concentration camps, but it was ordered that people were to be brought to collection camps.

MR. JUSTICE JACKSON: Not concentration camps, but special camps? Where were they going from there?

BODENSCHATZ: That I do not know.

MR. JUSTICE JACKSON: And where was this special camp that you speak of?

BODENSCHATZ: I do not know where they were to be taken. I was told they were to be taken away.

MR. JUSTICE JACKSON: But neither you nor Göring had any suspicion that if they were taken to concentration camps any harm would come to them, did you?

BODENSCHATZ: I knew nothing about what took place in the concentration camps.

MR. JUSTICE JACKSON: Now did you not hear about the concentration camps, and was not the purpose of your saving these people from going to them, that the people who went there were mistreated?

BODENSCHATZ: I must reiterate that I freed people from their first arrest by the Gestapo that were not yet in the concentration camp.

MR. JUSTICE JACKSON: What would the Gestapo take them into custody for, if not the concentration camps?

BODENSCHATZ: What purpose the Gestapo was pursuing with these arrests I do not know.

MR. JUSTICE JACKSON: But you intervened to save them from the Gestapo without even finding out whether the Gestapo had cause for arresting them?

BODENSCHATZ: If the Gestapo arrested any one, then they must have had something against him.

MR. JUSTICE JACKSON: But you made no inquiry into that, did you?

BODENSCHATZ: I have already said it was generally known that these people were taken to collection camps, not concentration camps. It was known—many German people knew that they were to be taken away. They knew that the people were taken to work camps, and in these work camps they were put to work.

MR. JUSTICE JACKSON: Forced labor?

BODENSCHATZ: It was just ordinary work. I knew, for instance, that in Lodz the people worked in the textile industry.

MR. JUSTICE JACKSON: And where were they kept while they were doing that work?

BODENSCHATZ: I cannot say, for I do not know.

MR. JUSTICE JACKSON: They were in a camp, were they not?

BODENSCHATZ: I cannot tell you all that, for I do not know.

MR. JUSTICE JACKSON: You would not know about that?

BODENSCHATZ: I have no idea.

MR. JUSTICE JACKSON: What is the difference between a work camp and a concentration camp? You have drawn that distinction.

BODENSCHATZ: A work camp is a camp in which people were housed without their being in any way ill-treated.

MR. JUSTICE JACKSON: And a concentration camp is where they are ill-treated? Is that your testimony?

BODENSCHATZ: Yes. I can only tell you that now because in the meantime I discovered it through the press and through my imprisonment. At that time I did not know it. I learned it from the newspapers. I was a prisoner of war in England for quite a while, and I read about it in the English press.

MR. JUSTICE JACKSON: You spoke of collection camps, that many people knew they were being taken to collection camps to be taken away. Where were they being taken away?

BODENSCHATZ: I do not know where they went from there.

MR. JUSTICE JACKSON: Did you ever inquire?

BODENSCHATZ: No, I never inquired.

MR. JUSTICE JACKSON: You were adjutant to the Number 2 man in Germany, were you not?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: And you never ventured to ask him about the concentration camps?

BODENSCHATZ: No, I did not speak to him on that subject.

MR. JUSTICE JACKSON: The only instruction you had was to get everybody out that you could.

BODENSCHATZ: Where a request or a complaint was made, I followed those cases down, and in those cases I assisted.

MR. JUSTICE JACKSON: You knew that Hermann Göring was a close co-worker with Himmler, did you not?

BODENSCHATZ: I did not know that he was a fellow worker with Himmler, because he never worked with him directly. Himmler frequently came for discussions with Hermann Göring, but these were private conversations just between the two.

MR. JUSTICE JACKSON: And you knew that he was not only a friend, but that he had aided Kaltenbrunner to his post when Kaltenbrunner came into office, did you not?

BODENSCHATZ: No, that I did not know.

MR. JUSTICE JACKSON: You did not know that?

BODENSCHATZ: I did not know that Reich Marshal Göring recommended Kaltenbrunner for his office. My activity was confined simply to the military sector. I was military adjutant to the Reich Marshal. I had nothing to do with these matters.

MR. JUSTICE JACKSON: Did you have anything to do with the procedure of making full Aryans out of half-Jews?

BODENSCHATZ: On the question of mixed blood, requests concerning the Luftwaffe came to me, and in fact, officers, according to the regulations, would have to be dismissed if they were of mixed blood. In many cases the Reich Marshal gave instructions that these officers should not be dismissed.

MR. JUSTICE JACKSON: What was done about it?

BODENSCHATZ: In these cases the chief of the personnel office was instructed not to dismiss these officers.

MR. JUSTICE JACKSON: And in some cases some kind of an order was made, was it not, that they were full Aryans, notwithstanding Jewish parentage?

BODENSCHATZ: At the moment I can remember no such case.

MR. JUSTICE JACKSON: You spoke of the requests for help from Göring coming from broad masses of the people, and those requests were submitted to his staff. Is that right?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: And who was the head of that staff?

BODENSCHATZ: At the head of that staff stood the Chief of Staff, Dr. Gritzbach.

MR. JUSTICE JACKSON: How many assistants did he have?

BODENSCHATZ: There were three sections, a press section, with Dr. Gerner in charge of that, and the private secretariat—there were three sections.

MR. JUSTICE JACKSON: And which of these sections handled the peoples' requests for relief from arrest?

BODENSCHATZ: Dr. Gritzbach and Dr. Gerner were concerned with that.

MR. JUSTICE JACKSON: To whom did they talk about these matters, do you know?

BODENSCHATZ: These gentlemen, as well as myself, submitted these matters to the Reich Marshal.

MR. JUSTICE JACKSON: So that he was kept fully informed of what you did and of what they did?

BODENSCHATZ: Please repeat the question.

MR. JUSTICE JACKSON: The Reich Marshal was kept fully informed of these applications to you and to the other sections?

BODENSCHATZ: He was informed by me.

MR. JUSTICE JACKSON: And, as I understand you, he never failed to give his assistance to any one of the applications that was made to him, so far as you know?

BODENSCHATZ: As regards requests addressed to my office or to me personally he never refused assistance and actually help was always given.

MR. JUSTICE JACKSON: And never inquired into the guilt or innocence of the person he was helping?

BODENSCHATZ: They were innocent; that was clearly established.

MR. JUSTICE JACKSON: Now, you were present on the 20th of July at the bomb explosion, as I understand from your direct testimony?

BODENSCHATZ: On 20 July I was present at that meeting and stood very near the bomb.

MR. JUSTICE JACKSON: Where was Hermann Göring on that day?

BODENSCHATZ: Hermann Göring was in his headquarters on that day, about 70 kilometers from the Führer's headquarters.

MR. JUSTICE JACKSON: Only 70 kilometers away; is that right? And at what time were you instructed to represent him at that meeting?

BODENSCHATZ: I was not instructed to represent him at this meeting. I took part in this conference, as in any other, as a listener. I had no orders to represent Göring, to represent him in the Führer's headquarters. I was merely in the Führer's headquarters to inform him of what went on there.

MR. JUSTICE JACKSON: You represented him to listen, but not to talk; is that right?

BODENSCHATZ: I did not say very much during those years. I was simply a listener and had to inform him as to what took place at the conference; what would interest him in his capacity as Reich Marshal.

MR. JUSTICE JACKSON: How far in advance of that meeting were you instructed to attend?

BODENSCHATZ: At this meeting? On 20 July? On 19 July I was on a special commission, sent to the Münster Camp to take part in the review of an Italian division. On 20 July, at noon, I came by air to the Führer's headquarters, gave Hitler a military communication, and Hitler said to me, "Come and discuss the situation." I did not want to go, but I went with him and after 15 minutes the attempted assassination took place.

MR. JUSTICE JACKSON: Who sent you with the message? Whose message was it that you were delivering?

BODENSCHATZ: I was commissioned at that time by Reich Marshal Göring to attend the review of the Italian division at the

Münster Camp and to tell Field Marshal Graziani that the men in that division were to be used to command flak guns. After Field Marshal Graziani had declared himself in disagreement with this, I was obliged to go to the Führer's headquarters by air. It had been proposed that I should go by Mussolini's special train which was in Münster, and on the night of 19 to 20 . . .

MR. JUSTICE JACKSON: Answer my question, Witness. Just answer the question, please, and you will save us a great deal of time. Whose messages were you carrying to the Führer?

BODENSCHATZ: I brought the message that Graziani was not disposed to hand over these soldiers of the Italian division.

MR. JUSTICE JACKSON: And before you started for the Führer's headquarters you communicated with Göring about it, did you not?

BODENSCHATZ: Before my departure, when I flew to Münster Camp—that was a few days before—I spoke to him and when I returned, before reporting to the Führer, I telephoned Hermann Göring in his headquarters and gave him the same message.

MR. JUSTICE JACKSON: And did he instruct you to go to the Führer's headquarters at that time and give the message to the Führer?

BODENSCHATZ: This trip from Münster Camp I made on my own initiative because it was important for Adolf Hitler to know of this information before Mussolini, who was expected to arrive at the Führer's headquarters at 3 o'clock in the afternoon on 20 July. . . .

MR. JUSTICE JACKSON: As I understand you, Göring wanted a peaceful outcome of the negotiations at Munich?

BODENSCHATZ: He said that to me several times.

MR. JUSTICE JACKSON: And he was highly pleased with the outcome that was achieved there?

BODENSCHATZ: He was very pleased. I emphasized that before when I said that when he came from the conference room, he said spontaneously, "That means peace."

MR. JUSTICE JACKSON: And when you say that Göring wanted peace with Poland, he also wanted that same kind of a peace, did he not?

BODENSCHATZ: Regarding peace with Poland, I did not speak to him.

MR. JUSTICE JACKSON: Did he send someone or induce Hitler to take someone to Munich in order to countercheck Ribbentrop?

BODENSCHATZ: All I know personally on this subject is this: Here, in imprisonment, Captain Wiedemann told me that Hermann

Göring had expressed the wish that Von Neurath should be taken, and Wiedemann told me that Hitler had granted that wish.

MR. JUSTICE JACKSON: Now, you were interrogated by the United States about this subject before Wiedemann got here, were you not?

BODENSCHATZ: Before?

MR. JUSTICE JACKSON: Before Wiedemann was brought here.

BODENSCHATZ: I was not interrogated on this subject—the Munich Agreement and Von Neurath.

MR. JUSTICE JACKSON: Were you interrogated on the 6th of November 1945, and did you not then say that Göring used very harsh words about Ribbentrop and asked Hitler to take Neurath to Munich with him in order to have a representative present? Did you not say that to the interrogators of the United States?

BODENSCHATZ: I cannot remember at the moment. If that is in the record then it must be so.

MR. JUSTICE JACKSON: This meeting as to which you have—ch, by the way, after Munich you know that Göring gave his word of honor to the Czechs that there would be no further aggression against them, do you not?

BODENSCHATZ: Please repeat the question.

MR. JUSTICE JACKSON: You know that after Munich, when Göring was pleased with the outcome, he gave his word of honor that there would be no further aggression against the Czechs. Do you know that?

BODENSCHATZ: No, I did not know that.

MR. JUSTICE JACKSON: This meeting that took place in London, I mean the meeting that took place when the Englishmen were present . . .

BODENSCHATZ: In Husum, yes.

MR. JUSTICE JACKSON: Who was the Swedish person who was present?

BODENSCHATZ: Herr Dahlerus was the Swede who was present.

MR. JUSTICE JACKSON: Who were the English who were present?

BODENSCHATZ: There were six to eight English economic experts. The names I do not know.

MR. JUSTICE JACKSON: And at that time—by the way, have you fixed the time of that? What was the date?

BODENSCHATZ: I cannot say precisely. It was the beginning of August.

MR. JUSTICE JACKSON: Was it not 7 August?

BODENSCHATZ: I cannot say.

MR. JUSTICE JACKSON: Was Mr. Dahlerus there?

BODENSCHATZ: The question as to whether Dahlerus was there—I cannot remember one hundred percent whether he was there. I know only that when I spoke to my lawyer he said that Dahlerus was there, but I cannot swear one hundred percent that he was there. I assumed he was, since the Defense Counsel Dr. Stahmer told me that he was there. That was the reason why I said previously that Hermann Göring and Dahlerus were present at that meeting.

MR. JUSTICE JACKSON: And the subject under discussion was the Polish relations with the German Reich?

BODENSCHATZ: Polish relations were not discussed, but relations between England and Germany. There was no talk of relations with Poland.

MR. JUSTICE JACKSON: And Göring wanted the English gentlemen to see that England did not attack Germany?

BODENSCHATZ: He did not express it quite that way. He said, as I have already stated, the English gentlemen should, when they returned home, work in the same way that he was working—for peace, and to make their influence felt in important circles.

MR. JUSTICE JACKSON: Now, was that not said in connection with the Polish negotiations that were then going on?

BODENSCHATZ: With the Polish negotiations? I cannot remember that any mention was made of Polish negotiations.

MR. JUSTICE JACKSON: Were you with Hermann Göring when the Polish war broke out?

BODENSCHATZ: When the Polish war broke out I was in Berlin.

MR. JUSTICE JACKSON: Were you still in your office under Hermann Göring's command?

BODENSCHATZ: Yes, I was at that time under Hermann Göring's command.

MR. JUSTICE JACKSON: When did you first begin preparing for a movement of your forces in the direction of Poland?

BODENSCHATZ: I cannot make any definite statement on that subject; that was a matter for the General Staff. I know only that during the period before the outbreak of war the Chief of the General Staff several times visited the Commander-in-Chief of the Air Force, Hermann Göring, and that such matters were discussed. I, myself, was not informed as to how many forces were to be used in the Polish campaign.

MR. JUSTICE JACKSON: Were you present at the conference in which Hermann Göring stated that he, right after Munich, had orders to multiply the Air Force by five?

BODENSCHATZ: I cannot recall having been present at any such discussion.

MR. JUSTICE JACKSON: You know that the Air Force was greatly enlarged after Munich?

BODENSCHATZ: No, I do not know that. The Air Force was augmented according to plan. In this connection I can say for certain that the German Air Force, at the beginning of the Polish campaign, as regards leadership, planning, or material, was not equal to its task.

THE PRESIDENT: Mr. Justice Jackson, would you like to adjourn now or would you like to go on in order to finish?

MR. JUSTICE JACKSON: This would be a convenient time. I am sure we cannot finish before lunch hour.

THE PRESIDENT: You would like to adjourn now?

MR. JUSTICE JACKSON: Yes, Sir.

THE PRESIDENT: Very well.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

THE PRESIDENT: We will have no open session tomorrow.

GENERAL R. A. RUDENKO (Chief Prosecutor for the U. S. S. R.): I want to say a few words with respect to the statement of Defense Counsel Stahmer. When speaking about the document concerning the German atrocities at Katyn, Defense Counsel Stahmer stated that it was not in his possession. I do not want to speak about the nature of this document. I want to report to the Tribunal that on 13 February this document, as Exhibit USSR-54—30 copies of it, all in the German language—was given to the Document Room for the purposes of the Defense. We did not think that we had to present the document to each Defense Counsel separately. We considered that if the document were given to the Document Room, the Defense would take the necessary steps concerning it. That is all I wish to say on this matter.

DR. LATERNSER: There must be a misunderstanding about the number of this document. It was submitted at that time in open session by the Russian Prosecutor as Exhibit Number USSR-64. USSR-64 has not been distributed. I have not received it, and upon request at Information Room of the Defense, upon two requests, I have not been able to obtain it.

THE PRESIDENT: Well, we will inquire into the matter.

[The witness Bodenschatz took the stand.]

MR. JUSTICE JACKSON: Previous to the spring of 1943, as I understand you, Hermann Göring was a man of great influence in the councils of the Reich?

BODENSCHATZ: Before the year 1943—that is, until the year 1943—Hermann Göring always had access to the Führer, and his influence was important.

MR. JUSTICE JACKSON: In fact, it was the most important in Germany outside of the Führer himself, was it not?

BODENSCHATZ: Within the Reich he had great influence, very great influence.

MR. JUSTICE JACKSON: Air power was his special mission and his special pride, was it not?

BODENSCHATZ: As an old airman, he was very proud to be able to build up and lead the Air Force.

MR. JUSTICE JACKSON: He had more confidence in air power as a weapon of war than most of the other men of his time, did he not?

BODENSCHATZ: At any rate he was convinced that his Air Force was very good. But I have to repeat what I said before, that

at the beginning of the war, in the year 1939, that stage had not been reached by the Air Force. I repeat that at that time the Air Force was, as far as leadership, training, and material were concerned, not ready for war.

MR. JUSTICE JACKSON: But ever since you first went with Hermann Göring you had been rapidly building up the Air Force, had you not?

BODENSCHATZ: The building up of the Air Force went relatively fast.

MR. JUSTICE JACKSON: And when you first went with Göring —I have forgotten what year you said that was.

BODENSCHATZ: I came to Hermann Göring in April 1933. At that time there was no Commander-in-Chief of the Air Force, but only a Reich Commissariat for Aviation. But even at that time, the beginning of the building up of the Air Force—the first beginnings—started. It was only after 1935, however, when freedom from armament restriction was declared, that it was speeded up.

MR. JUSTICE JACKSON: And the building up of the Air Force was very largely in bombers, was it not?

BODENSCHATZ: It was not mainly bombers; it was mixed, both fighters and bombers.

MR. JUSTICE JACKSON: Göring also had charge of the Four Year Plan?

BODENSCHATZ: He was commissioned by the Führer to carry out the Four Year Plan.

MR. JUSTICE JACKSON: He also held several other offices, did he not?

BODENSCHATZ: Hermann Göring, besides being Commander-in-Chief of the Luftwaffe, was put in charge of the Four Year Plan. Before that, at the beginning of the seizure of power, he was Minister of the Interior and Prime Minister of Prussia, President of the Reichstag and Reichsforstmeister.

MR. JUSTICE JACKSON: I notice that you use here, as you have used in your interrogations by the United States, the expression "seizure of power." That was the common expression used in your group, was it not, to describe the coming to power of Adolf Hitler?

BODENSCHATZ: It cannot be used in this sense. At that time it was completely legal because the National Socialist Party was then the strongest party, and the strongest party nominated the Reich Chancellor, and the strongest party had, as such, the greatest influence. It must not be interpreted to mean that they usurped the

power, but that they had the most influential and prominent position among the parties, that is, by the completely legal means of election.

MR. JUSTICE JACKSON: You want to change the word "seizure"?

BODENSCHATZ: I have to change that. It is only an expression which was common usage in the press at that time.

MR. JUSTICE JACKSON: Göring got along without any open break with Hitler until 1945, did he not?

BODENSCHATZ: Until the year 1945 there was no open break. The arrest was only quite at the end, as I have said before.

MR. JUSTICE JACKSON: But the arrest was the first open break that had occurred between them, was it not?

BODENSCHATZ: Yes, the first big break between the two which was apparent to the public. But since the year 1943, as I have said before, there was already a gradual estrangement in the attitude of the two men.

MR. JUSTICE JACKSON: But that was kept from the public, was it not, kept from the German people?

BODENSCHATZ: It was not so visible to the public. It was a development which took place gradually from the spring of 1943 to 1945—first to a small extent, and then the tension became greater and greater.

MR. JUSTICE JACKSON: When the arrest was made it was made by the SS, was it not?

BODENSCHATZ: I only heard that. It was said that in Obersalzberg a unit of SS had arrived which arrested Hermann Göring in his small house and confined him there. As to that, perhaps the witness who is going to testify later, Colonel Brauchitsch, who was present at this arrest and who was arrested himself, can give more details.

MR. JUSTICE JACKSON: You were not arrested by the SS?

BODENSCHATZ: At that time . . . since 20 July 1944, when I was seriously injured, I had been in the hospital. I was close to Berchtesgaden, at Bad Reichenhall, convalescing.

MR. JUSTICE JACKSON: Whenever there were conferences which you attended, was it not the custom, at the conclusion of Hitler's address to the group, for Göring as the ranking man present, to assure the Führer on behalf of himself and his fellow officers of their support of his plans?

BODENSCHATZ: Of course I was not present at all conferences. I only took the part of listener. At these discussions, or shall we

say conferences, in which I took part, it happened from time to time that the Reich Marshal made a remark at the end and gave assurance that the will of the Führer would be carried out. But at the moment I cannot remember specifically any such conference.

MR. JUSTICE JACKSON: You cannot remember any conference at which he did not do it either, can you?

BODENSCHATZ: Yes. It was not always done; on the contrary, he did not do it as a rule. In the Reichstag Hermann Göring always made a concluding speech, after a session had ended, expressing his confidence in Adolf Hitler.

MR. JUSTICE JACKSON: And did he not do that at every meeting of officers at which the Führer was present?

BODENSCHATZ: May I ask you to repeat the question? I have not quite understood it. I beg you to excuse me, but I would like to mention that owing to my injury I have lost 60 percent of my hearing, and therefore I beg you to excuse me if I ask for repetitions. Please, repeat your question.

MR. JUSTICE JACKSON: Quite all right, Sir. Do you know of any conference between Hitler and his High Command at which Göring did not close the meeting, as the ranking officer present, by making assurances of support to Hitler's plans?

BODENSCHATZ: Some of the conferences I attended were concluded by a declaration of that nature. There were, however, many conferences—in fact most of the conferences—when nothing further was said at the end. When the Führer had finished his speech, the meeting was ended.

MR. JUSTICE JACKSON: In 1943, when Göring began to lose influence with Hitler, it was a very embarrassing time for Göring, was it not?

BODENSCHATZ: Hermann Göring suffered from this fact. He often told me that he would suffer very much on that account.

MR. JUSTICE JACKSON: From the fact that the Führer was losing confidence in him?

BODENSCHATZ: What was that?

MR. JUSTICE JACKSON: He was suffering from the fact that the Führer was losing confidence in him? Was that what was causing his suffering?

BODENSCHATZ: That may have been part of the reason, but differences of opinion arose about the Luftwaffe.

MR. JUSTICE JACKSON: Now, in the spring of 1943 it was apparent to you and apparent to him that the war was lost for Germany, was it not?

BODENSCHATZ: I cannot say that. The Reich Marshal did not tell me in 1943 that the war was lost, but that there were great difficulties, that it would become very dangerous; but that the war was definitely lost—I cannot remember that the Reich Marshal at that time, in the spring of 1943, made a statement to me of that kind, or a similar one.

MR. JUSTICE JACKSON: The Reich Marshal had given his assurance to the German people, had he not, that it would not be possible for them to be bombed, as Warsaw, Rotterdam, and other cities were bombed?

BODENSCHATZ: As far as I know, he did not give the assurance in those words. Before the war, when our Air Force was growing—I mean at the beginning of the war, when the great successes in Poland and in France were manifest—he said to the German people that the Air Force would do its job and do everything to spare the country from heavy air raids. At the time that was justified. It was not clearly foreseen then that matters would develop differently later.

MR. JUSTICE JACKSON: Then he had given his assurance to the German people, had he not, that the Luftwaffe would be able to keep enemy bombers away from Germany?

BODENSCHATZ: I cannot remember that he gave an official assurance to the German people in the form of a decree or a big speech. At times it was said that the German Air Force, after the successes in Poland and France, was at its peak. I do not know of any official statement whereby it was made known to the German people.

MR. JUSTICE JACKSON: At all events, it became apparent in the spring of 1943 that any such assurance, if it had been given, was misleading?

BODENSCHATZ: In the year 1943 the conditions were entirely different, owing to the fact that the British and American Air Forces came into the picture in such large and overwhelming numbers.

MR. JUSTICE JACKSON: And it was also true that the air defenses of Germany were proving entirely inadequate to cope with the situation; is that not a fact?

BODENSCHATZ: The air defense of Germany was very difficult, as the entire defense did not depend on the air crews alone, but it was also a radio-technical war, and in this radio-technical war, it must be admitted frankly, the enemy was essentially better than we were. Therefore it was not only a war in the air, but it was also a radio war.

MR. JUSTICE JACKSON: It had become apparent that Germany could not cope with it—is that not a fact?—by 1943.

BODENSCHATZ: In the year 1943 it was not yet a hundred percent clear. There were fluctuations, low and high points. Efforts were made to increase the fighter strength at the expense of the bombers. It was not one hundred percent obvious that the enemy air force could not be opposed successfully. That became obvious only after the middle of 1944.

MR. JUSTICE JACKSON: The Führer lost confidence in Göring as the bombing of German cities progressed, did he not?

BODENSCHATZ: Yes, indeed, from the moment the British Air Force started with their large-scale attacks on German cities, particularly when the first heavy British air attack on Cologne took place. From that moment it was obvious that differences of opinion, at first not too serious, were arising between the two men.

MR. JUSTICE JACKSON: And Hitler accused Göring, did he not, of misleading him as to the strength of the air defenses of Germany?

BODENSCHATZ: I do not know that the Führer ever accused the Reich Marshal of any offense in this respect. Discussions between Adolf Hitler and the Reich Marshal were, in spite of all tension, always very moderate. The criticism is said to have become more vehement only later, in 1944 and the beginning of 1945. But I was not present, because I had been off duty since 20 July 1944.

MR. JUSTICE JACKSON: I asked you a question. I did not intend to imply that the Führer accused him of an intentional misstatement, but he had misled him or he had misunderstood the strength of Germany's air defenses. Was that not generally understood in your circle?

BODENSCHATZ: There could be no question of misleading. The reports which the Air Force made to the Führer were always correct. The weaknesses of the Air Force were also reported to the Führer.

MR. JUSTICE JACKSON: What were the efforts that were made by Göring, which you refer to as tremendous efforts, to recapture his influence with the Führer?

BODENSCHATZ: The Reich Marshal, whenever there were conferences, asked through me that he might participate. The Reich Marshal came more frequently than usual to the Führer's headquarters, and he also said to me, "I will try everything to regain the right contact with the Führer." He said that personally to me.

MR. JUSTICE JACKSON: And he was particularly careful after the spring of 1944 not to do anything that would offend the Führer?

BODENSCHATZ: I cannot say anything more about the year 1945, because then I was no longer active. I had no further contact.

MR. JUSTICE JACKSON: Now, this bombing of German cities had become very troublesome from the point of view of the German people's criticism of the government, had it not, in 1944?

BODENSCHATZ: The German people suffered terribly under these bombing attacks, and I can only say one thing—that Adolf Hitler suffered most from them. When at night the bombing of a German city was reported, he was really deeply moved, and likewise the Reich Marshal, because the horror of such a bombing was indescribable. I have experienced a few such bombings in Berlin myself, and whoever has lived through that, will never forget it as long as he lives.

MR. JUSTICE JACKSON: And this was all becoming very embarrassing to Hitler and to the Reich Marshal, was it not, to explain to the German people why this was going on?

BODENSCHATZ: That did not have to be explained, because the German people felt it. No explanation was given. It was only said that all possible measures would be taken to master this peril.

MR. JUSTICE JACKSON: And you knew at that time, and the Reich Marshal knew, that no measures could be taken that would prevent it?

BODENSCHATZ: No, no, no. I emphasized before that it was a radio-technical war, and there were moments when, in the defense, we could counter the measures of the enemy while constantly discovering a new means to hit him.

MR. JUSTICE JACKSON: When you made the announcement to the German people that all means would be taken, you had then no means at your disposal, that you knew of, to use, did you, to prevent the bombing of the German cities?

BODENSCHATZ: Oh yes, indeed.

MR. JUSTICE JACKSON: What were they, and why were they not used?

BODENSCHATZ: There were, for example, the following means: The most important areas were protected by antiaircraft guns. Then there were radio-technical means, jamming transmitters, which would have made it possible, and which partly did make it possible, to jam the radio sets in the enemy aircraft.

MR. JUSTICE JACKSON: The movement to satisfy the German people under the bombing attacks was a matter of great concern to the Reich Marshal, was it not?

BODENSCHATZ: The Reich Marshal was very anxious that the population should be informed.

MR. JUSTICE JACKSON: And see that the population was satisfied, was he not?

BODENSCHATZ: It is easy to say "satisfied." He could only assure the German people that he would do everything in his power to master these attacks.

MR. JUSTICE JACKSON: Now, have you seen the Reich Marshal and Hitler when the reports came in of the bombing of Warsaw and Rotterdam and of Coventry?

BODENSCHATZ: I cannot remember whether I was present when the reports came.

MR. JUSTICE JACKSON: You never saw any such reactions on their part on those bombings, I take it?

BODENSCHATZ: I only know that Warsaw was a fortress which was held by the Polish Army in very great strength, provided with excellent pieces of artillery, that the forts were manned, and that two or three times Adolf Hitler announced that civilians should be evacuated from the city. That was rejected. Only the foreign embassies were evacuated, while an officer with a flag of truce entered. The Polish Army was in the city defending it stubbornly in a very dense circle of forts. The outer forts were very strongly manned, and from the inner town heavy artillery was firing towards the outskirts. The fortress of Warsaw was therefore attacked, and also by the Luftwaffe, but only after Hitler's ultimatum had been rejected.

MR. JUSTICE JACKSON: Was Coventry a fortified city?

BODENSCHATZ: Coventry was no fortress. Coventry, however, was a city which housed the key industry of the enemy air force, in which the aircraft engines were built, a city in which, as far as I know, many factories were situated and many parts of these aircraft engines were manufactured. In any case, the Luftwaffe had at that time received orders to bomb only the industrial targets. If the city also suffered, it is understandable, considering the means of navigation at that time.

MR. JUSTICE JACKSON: You were interrogated in November of 1945, were you not, by Colonel Williams?

BODENSCHATZ: Yes, I was interrogated.

MR. JUSTICE JACKSON: And Colonel Williams asked you about certain fictitious incidents along the German-Polish border late in August of 1939, did he not?

BODENSCHATZ: Yes, he asked me about that.

MR. JUSTICE JACKSON: And would you care to tell the Tribunal what you know about the fictitious incidents along the Polish border?

BODENSCHATZ: I do not know anything positive. I was asked by Colonel Williams whether I knew in advance about the incident of the Gleiwitz broadcasting section. I told him I knew nothing about it. It was only that the incidents on the Polish border were very similar to those which happened on the Czech border. It may have been presumed—that was only my opinion—that they were perhaps deliberate. But I had no positive proof that anything had been staged on our part.

MR. JUSTICE JACKSON: Did you tell him on the 6th of November 1945, as follows:

"I heard about it, but I personally at that time had the feeling that all these provocations that had taken place had originated from our side, from the German side. As I said, I had no real proofs of that, but I always had that feeling."

Did you not say that?

BODENSCHATZ: Yes, I said that.

MR. JUSTICE JACKSON: And that you had talked with people about this, from whom you got that feeling. Is that right?

BODENSCHATZ: I cannot remember that very well now. I only know that the reports in the press gave me that suspicion.

MR. JUSTICE JACKSON: You were asked, were you not, this question and gave this answer:

"Question: But you are of the opinion that what appeared in the press and these incidents that were reported were not true, but done merely to cause an incident as an excuse for an invasion?"

And did you not make this answer:

"I had that feeling. I cannot prove it, but I definitely know I had a feeling that the whole thing was being engineered by us."

Did you not make that answer to that question?

BODENSCHATZ: The minutes will show it. If it is in the minutes, I said it. At the moment I cannot remember the exact words.

MR. JUSTICE JACKSON: You do not deny the fact, however?

BODENSCHATZ: I had that feeling, but it was a purely subjective opinion.

MR. JUSTICE JACKSON: But it was your opinion?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: Now then, I ask you whether you were not interrogated about the Führer's desire to make war on Poland, and whether you did not give this answer:

"Gentlemen, this question is very hard to answer, but I can state under my oath that the Führer actually wanted the war against Poland. I can prove that he actually wanted a war of aggression against Poland by the circle surrounding the Führer and the remarks that were made. I was present during the night when Hitler gave Henderson his conditions that he wanted Danzig, and I concluded from all the conferences that the Führer had with the Ambassador—I had the impression that the Führer did not really want the Poles to accept those conditions."

And I ask you if you made those answers to Colonel Williams?

BODENSCHATZ: I can make the following answer to that:

I was not present at the conference. If I said that, I did not express myself correctly. I was not at the conference that the Führer had with Henderson, but I was standing in the anterooms with the other adjutants, and outside in the anteroom one could hear the various groups, some saying one thing, some another. From these conversations I gather that the conditions which Henderson received for the Poles in the evening were such, and that the time limit for answering these questions—which was noon of the next day—was so short, that one could conclude there was a certain intention behind it.

MR. JUSTICE JACKSON: Well, that is the impression that you received from being in the anteroom and talking with the people who were about Hitler that night?

BODENSCHATZ: There were adjutants, the Reich Press Chief, and the gentlemen who were waiting in the anteroom without taking part in the conference.

MR. JUSTICE JACKSON: I will ask you, in order to make this very clear, one more question about your interrogation on that subject. Were you not asked this question:

"Then we can summarize your testimony this morning by saying that you knew in 1938, several months before Germany attacked Poland, that Hitler fully intended to attack Poland and wage an aggressive war against her; is that right?"

And did you not make this answer:

"I can only say this with certainty that from the night when he told Henderson that he wanted Danzig and the Corridor, from that moment, I was sure Hitler intended to wage an aggressive war."

Were you asked that question, and did you make that answer?

BODENSCHATZ: If it is in the minutes, I said it.

MR. JUSTICE JACKSON: Well, if it were not in the minutes, it would still be your testimony now, would it not? It is a fact, is it not?

BODENSCHATZ: My definition is precisely this: From the handing over of Adolf Hitler's demands to Henderson and from the short time that Henderson was granted, I conclude that there was a certain intention. That is how I should like to define it precisely now.

MR. JUSTICE JACKSON: I will ask that you be shown Document Number L-79, United States exhibit in evidence, Number USA-27. You have seen that before, witness?

BODENSCHATZ: A copy of this document was shown to me by Colonel Williams, and I told him that I myself could not remember having been present. But if my name is on the minutes, then I was there.

MR. JUSTICE JACKSON: But your name is on the document, is it not?

BODENSCHATZ: Then I was there. I cannot remember the subject of this conference. I told Colonel Williams that that must have been discussed because Colonel Schmundt, whose handwriting I know—I was shown a copy—I told him that Colonel Schmundt was a man who was very conscientious in making his notes.

MR. JUSTICE JACKSON: That is all in his handwriting?

BODENSCHATZ: That is it as I see it here.

MR. JUSTICE JACKSON: And it is signed by Colonel Schmundt?

BODENSCHATZ: Yes, it is signed by Colonel Schmundt—Lieutenant Colonel Schmundt. The corrections are not in his handwriting.

MR. JUSTICE JACKSON: But the body of the document is his handwriting?

BODENSCHATZ: Yes, that is his own handwriting. I know it; yes.

MR. JUSTICE JACKSON: And when you were asked about that by Colonel Williams, you took time to read it, and then you said, did you not: "I think that the thoughts are right as they are expressed here; these are the thoughts that the Führer usually voiced to us in a small circle." You made that statement?

BODENSCHATZ: Yes, I did say that, yes.

MR. JUSTICE JACKSON: And you said: "I cannot remember whether these things were expressed on that day. However, it is possible that the thoughts which are put down here are the thoughts of Adolf Hitler." You said that to Colonel Williams, did you not?

BODENSCHATZ: Yes, I said that to Colonel Williams.

MR. JUSTICE JACKSON: That is all I care to ask about that, Sir.

I now ask to have shown to you the original exhibit, Document Number 798-PS, Exhibit USA-29 in evidence.

BODENSCHATZ: As far as I know, a copy of this speech by the Führer was also shown to me by Colonel Williams.

MR. JUSTICE JACKSON: That is right. You said, did you not, that you did not recall whether you were present but that the thoughts that were expressed . . .

BODENSCHATZ: The thoughts expressed there are correct.

MR. JUSTICE JACKSON: They are correct. That is all about that.

BODENSCHATZ: Yes, but I must say one more thing. I tried to speak to Colonel Williams again and could not reach him. Probably I attended this meeting.

MR. JUSTICE JACKSON: Well, we will take that statement now and excuse you from looking for Colonel Williams.

I ask to have shown to you Document 3474-PS, United States exhibit in evidence, Number USA-580. Is that your handwriting?

BODENSCHATZ: Yes, that is my handwriting.

MR. JUSTICE JACKSON: And signed by you?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: And it is a note of a conference of the 2d day of December 1936, is it not?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: You prepared this memorandum for your files; is that right?

BODENSCHATZ: I do not know to whom I gave this.

MR. JUSTICE JACKSON: Well, it says the notes for the files on that discussion; is that correct?

BODENSCHATZ: Yes, that is a note for the files.

MR. JUSTICE JACKSON: Göring was present at that conference; is that correct?

BODENSCHATZ: Yes. He must have conducted it. It states here, "Present: Generaloberst Göring."

MR. JUSTICE JACKSON: In fact, the note says he conducted it does it not?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: Now, there were also present Milch, Kesselring, and all of the others who are named in the list at the head of the note.

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: And you then recorded that Göring told—oh, by the way, all of those men were men connected with the Armed Forces of Germany, were they not?

BODENSCHATZ: Those were all men from the Air Force, the leading men at the time. General Milch was concerned with armament; Lieutenant General Kesselring was, I believe, Chief of Staff; they were all officers who were in leading positions.

MR. JUSTICE JACKSON: All concerned with the Air Force you say. And this meeting was held on the 2d of December 1936. Are we correct about that?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: Then Göring opened the conference by saying: "The press all over the world is excited about the landing of 5,000 German volunteers in Spain. Great Britain protests officially and takes up the matter with France." Refreshing your recollection, that is what occurred, is it not?

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: Then Göring said, "The general situation is very serious," and that he took full responsibility, did he not?

BODENSCHATZ: Yes. The general situation was very serious. England was rearming intensively, and a state of readiness was desired.

MR. JUSTICE JACKSON: Now, he next said, did he not, "Silence until 1941 is desirable. However, we cannot know whether there will be implications before. We are already in a state of war. It is only that no shot is being fired so far." Did he say that?

BODENSCHATZ: That is recorded in these minutes.

MR. JUSTICE JACKSON: And he also said, did he not, that "beginning 1 January 1937, all factories for aircraft production shall run as if mobilization had been ordered."

BODENSCHATZ: Yes.

MR. JUSTICE JACKSON: Well, it is there in the text, is it not?

BODENSCHATZ: Yes, it is contained here in the minutes.

MR. JUSTICE JACKSON: Now, you have testified that Göring had no prior knowledge of the action taken against the Jews on the night of November 9th and 10th of 1938.

BODENSCHATZ: I gathered that from the fact that on the next day he came to me and was very dismayed.

MR. JUSTICE JACKSON: He was informed about them the next day?

BODENSCHATZ: The next day that was in the press, in the newspapers.

MR. JUSTICE JACKSON: You said that he complained about the people who instigated them?

BODENSCHATZ: That I was told by Captain Wiedemann, who was here with me in captivity. He told me that a few days later Hermann Göring came to the Führer with proof and complained about what had occurred.

MR. JUSTICE JACKSON: Whom did he complain about?

BODENSCHATZ: He did not tell me that. Wiedemann told me that Göring complained about Heydrich and Goebbels.

MR. JUSTICE JACKSON: I did not get that answer.

BODENSCHATZ: Wiedemann told me—this I did not learn myself from Hermann Göring, but Wiedemann told me he had complained about the instigators, and that the instigators were Heydrich and Goebbels.

MR. JUSTICE JACKSON: And Heydrich and Goebbels were both officials in Hitler's regime, were they not?

BODENSCHATZ: Dr. Goebbels was Reich Minister of Propaganda, and Heydrich was Chief of the Gestapo.

MR. JUSTICE JACKSON: So, immediately following these pogroms Göring knew and complained to Hitler that they had been incited by officials of the Nazi regime?

BODENSCHATZ: I do not know the details as to what he said there. Captain Wiedemann knows about that and can testify to it.

MR. JUSTICE JACKSON: Göring was then at the height of his influence, both with the Führer and with the country, was he not?

BODENSCHATZ: He had at that time the greatest influence.

MR. JUSTICE JACKSON: And I understand you to say that he immediately called a meeting of Gauleiter?

BODENSCHATZ: The meeting of Gauleiter was a few weeks later. I heard about it from the former Gauleiter of Styria, Dr. Uiberreither, who is imprisoned here with me. This Gauleiter Uiberreither took part in that meeting.

MR. JUSTICE JACKSON: How long did he wait before he called the meeting?

BODENSCHATZ: Dr. Uiberreither told me that it was a few weeks afterwards.

MR. JUSTICE JACKSON: Well, did you know about his holding a meeting on the 12th of November 1938 at his offices in the Reich Ministry for Aviation?

BODENSCHATZ: I cannot remember that.

MR. JUSTICE JACKSON: And do you remember that he had present at that meeting Heydrich, Goebbels, and many others? Is that the meeting to which you refer?

BODENSCHATZ: In this case it might be necessary to ask Dr. Uiberreither who was at that meeting. He told me that Dr. Goebbels was present as well as the Gauleiter.

MR. JUSTICE JACKSON: And it was the custom of Göring to keep minutes of the meetings that he conducted?

BODENSCHATZ: Hermann Göring always had stenographers present, and these stenographers took minutes of such meetings.

MR. JUSTICE JACKSON: And you want us to understand that Göring was shocked and offended by what had happened to the Jews on the nights of the 9th and the 10th of November 1938?

BODENSCHATZ: He did not agree with it because, as I mentioned previously, he said it would be a great wrong; it would be unreasonable economically, and it would harm our prestige abroad. I was told by Dr. Uiberreither that Göring had spoken in these terms to the Gauleiter.

MR. JUSTICE JACKSON: Was it known to you that on November the 12th, 2 days after those pogroms, Göring promulgated the order fining all of the Jews a billion Reichsmark, confiscated their insurance, and passed a new decree excluding them from economic life? Did you know about that?

BODENSCHATZ: I have heard of it, but I personally had nothing to do with the idea and with this decree, as I was only the military adjutant.

MR. JUSTICE JACKSON: These decrees were promulgated 2 days after this pogrom that you say he complained about, is that right?

BODENSCHATZ: I do not know the connection.

MR. JUSTICE JACKSON: That is all.

LIEUTENANT COLONEL J. M. G. GRIFFITH-JONES (Junior Counsel for the United Kingdom): May it please the Tribunal, I have only one matter which I want to make clear.

You have referred to a meeting which took place in Schleswig-Holstein in July or August of 1939, at which Göring met a number

of Englishmen, and you described those Englishmen, the first time you mentioned them, as members of the government, and the second time you mentioned them—I think you mentioned them as economic specialists?

BODENSCHATZ: So far as I know now, they were English leading men in economics, not members of the government.

LT. COL. GRIFFITH-JONES: I am obliged to you. Would it be correct to say that they were leading industrial and business gentlemen with no connection with the government whatsoever?

BODENSCHATZ: I do not know to what degree these gentlemen were influential. At any rate, Hermann Göring asked at the end that the gentlemen should exert their influence on the authorities in England in the interests of peace.

LT. COL. GRIFFITH-JONES: Do you know that that conference between Göring and those gentlemen took place at the instigation of Dahlerus?

BODENSCHATZ: Dahlerus is said to have brought about this meeting, but I first learned of that in a conversation with Defense Counsel Dr. Stahmer, who discussed the matter with me. Doctor Stahmer said he knew that Mr. Dahlerus had asked these gentlemen to come to Germany. It is only on the basis of this information that I assume Dahlerus asked these gentlemen to come.

LT. COL. GRIFFITH-JONES: And do you know that it was the object of Mr. Dahlerus that leading German and English personalities should meet, in order that they should understand one another's points of view?

BODENSCHATZ: Mr. Dahlerus later . . . he was again in Berlin after that meeting. On that occasion I met him in Berlin, and in conversations with him there I gained the impression that he was greatly interested in peace being maintained between Germany and England, and that he, assisted by Reich Marshal Göring, tried to establish this connection with influential British circles.

LT. COL. GRIFFITH-JONES: One last question to you. Do you know that, in arranging that meeting and throughout the course of the negotiations thereafter, Dahlerus stressed the British point of view to Göring and in particular tried to impress Göring with the fact that the English were losing their patience with the policy of aggression being pursued by the German Government?

BODENSCHATZ: I cannot remember having discussed with Dahlerus this line of thought which you mention now.

THE PRESIDENT: Any other questions to ask?

LT. COL. GRIFFITH-JONES: No.

DR. STAHMER: I have only one more question.

[Turning to the witness.] In the minutes of 2 December 1936, which were shown to you before and which you have before you, there is one paragraph which has not been read entirely. In my opinion it is very important for the interpretation and for the purpose and meaning of that meeting.

It says there:

"The general situation is very serious. Russia wants war. England is rearming strongly. Therefore, the order is: 'From today on, highest degree of readiness, no consideration for financial difficulties. Generaloberst assumes full responsibility.' "

Was this order, "highest degree of readiness from today on," issued merely because Russia, as it says here, wants war and England is rearming strongly? Was that the motive?

BODENSCHATZ: What do you mean?

DR. STAHMER: Was the gravity of the general situation the motive for the order, "highest degree of readiness from today on"?

BODENSCHATZ: At any rate, there was no intention of attack involved, but a measure for defense.

DR. STAHMER: If it says here "Generaloberst assumes full responsibility," could that be understood to refer to the words "no consideration for financial difficulties" which would be a permissible literal interpretation?

BODENSCHATZ: That refers to financial difficulties, because the Reich Marshal had frequent controversies on that point with the Reich Finance Minister because the Luftwaffe had slightly exceeded its budget.

DR. STAHMER: Thank you. I have no more questions.

THE PRESIDENT: The witness may retire.

[The witness left the stand.]

DR. STAHMER: I should like to call as the next witness General Field Marshal Milch.

[The witness Milch took the stand.]

THE PRESIDENT: What is your name?

ERHARD MILCH (Witness): Erhard Milch.

THE PRESIDENT: Repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHMER: Witness, did you take part in the first World War?

MILCH: Yes.

DR. STAHMER: In what position?

MILCH: First I was an artillery officer and at the end a captain in the Air Corps.

DR. STAHMER: When did you leave the Army after the end of the first World War?

MILCH: In the spring of 1920.

DR. STAHMER: What were your activities after you left the Army?

MILCH: I went into civil aviation.

DR. STAHMER: When did you join the Wehrmacht again?

MILCH: 1933.

DR. STAHMER: Did you go straight into the Air Force?

MILCH: Yes.

DR. STAHMER: What position did you have when the second World War began?

MILCH: I was General and Inspector General of the Air Force.

DR. STAHMER: When did the military construction of the Luftwaffe start?

MILCH: 1935.

DR. STAHMER: To what extent?

MILCH: A defensive air force was built up.

DR. STAHMER: Can you give us more details about that?

MILCH: In the year 1933 Germany had left the League of Nations and consequently also the Disarmament Conference. Hitler attempted to discuss with the individual nations whether or not disarmament should continue. These attempts to disarm failed, and Germany began to rearm. It was questionable whether the other nations would approve of that. Consequently Germany considered that it was imperative to have military strength in the air also, and to achieve that, the Air Force was itself to create an air power which would be sufficient for the defense of Germany. This is shown by the fact that principally fighters and antiaircraft artillery were provided.

Likewise, the organization of the German Air Force was constructed for defense. It consisted at that time of four "air districts" (Luftkreise), which one can picture as a kind of cross over Germany. There was a Northeast section, Southeast, Northwest, and Southwest. Moreover the strength of the Air Force, as it was

organized, was not planned for an aggressive war or for a large-scale war. Besides fighter planes there were also bombers, but we always called these bomber formations the Risiko Luftwaffe (Risk Air Force), that is to say, their function was to prevent, if possible, any of Germany's neighbors from entering a war against Germany.

DR. STAHMER: What were the relations of the German Air Force with the air forces of foreign countries during the period beginning with the year 1935?

MILCH: During the first years after 1935 Germany had no air force worth mentioning. There were only the first units and the first larger schools that were established. Also during these years, our industry was built up. Before the rearmament started, our industry had been on a very small scale. I happen to know that the number of workers in the entire German air force industry at the time of the seizure of power by the National Socialists was about 3,000 to 3,300 men—constructors, business men, technicians, and workers.

The first contacts with foreign countries in the field of aviation started in 1937. This was when, in January 1937, an English commission led by Air Vice Marshal Courtney and three other high-ranking officers—Courtney was the Chief of the Intelligence Service of the British Air Force—came to Germany. I myself accompanied this commission and acted as guide during the entire time. We complied with every request of these gentlemen as to what they wanted to see. Those were the first units which were established. We especially showed our training units, in which all new forms and models were first tried out, the industries, the schools, and anything else about which the gentlemen wanted to know. At the end of our conference the English vice marshal suggested that we should start a mutual German-English exchange of plans. I asked for the approval of my commander-in-chief and it was granted. At the time we forwarded to the British the plans of the German Air Force for 1937, 1938, and, I believe, 1939, and, on the other hand, we also received from the British the corresponding figures. We agreed that in the future also, should changes in plans occur or new units be established, an exchange of data should again take place. The visit was animated by a spirit of comradeship and was the beginning of further contacts.

In May of the same year, 1937, I was invited to Belgium with some other gentlemen, as representative of my commander-in-chief, to visit the air force there. Then in July . . .

DR. STAHMER: What happened on this visit to Belgium? Can you give me more details about that?

MILCH: It was a very cordial reception. I made the acquaintance of the Minister of War, the Minister of Foreign Affairs, the Prime Minister, and also of His Majesty the King, besides the officers of the air force, who, of course, were of main interest to me. The discussion was friendly on both sides, and the Belgians assured us of their personal feelings of friendship for Germany.

DR. STAHMER: Was there also an exchange of data?

MILCH: No. Not in the same way; but later in Germany we also showed the Belgians everything, when the Chief of the Air Force, General Duvier, returned our visit. Then there was a big international meeting in the summer, in July 1937, on the occasion of the aviation meeting in Zürich, which was held every five years. At this meeting we purposely showed our latest models of fighters, bombers, and Stukas, also our new engines which had just been produced, and anything else that would be of international interest. There were large French, Italian, Czech, and Belgian delegations present, besides the German one; and a commission of British officers also attended to see the material displayed by us, but did not take part in the contests as representatives of Great Britain. We showed our material to the French, the British, and to the other nations, in a spirit of comradeship. There was, for instance, the Messerschmitt Fighter 109 with the improvements of the time, more or less as it was flown until the end of the war; the newest Dornier bomber type; the newest Stuka by Junkers; also the Daimler-Benz 600 and 601 engines, and also of Junkers . . .

THE PRESIDENT: I do not think that this amount of detail is of any interest to the Tribunal.

DR. STAHMER: Witness, please, no details; make it short.

MILCH: Yes. Then in October 1937, there was an invitation to France from the French Government to inspect their air force also. The inspection is said to have been made in a very friendly spirit. Shortly after that, about one week later, a visit at the invitation of England took place in return for Air Vice Marshal Courtney's visit. Here, also, factories, organizations, schools and the War Academy were shown; also, as regards industry, the "shadow factories" were shown, that is, industries which produce peacetime goods in time of peace, and switch over to building aircraft and aircraft engines in time of war. There were also reciprocal visits with Sweden. I think I can conclude with that.

DR. STAHMER: Did you take part in a discussion with the Führer on 23 May 1939?

MILCH: Yes.

DR. STAHMER: In what way did that happen?

MILCH: I was suddenly ordered to come on the morning of that day, because the Reich Marshal was not there.

DR. STAHMER: Do you remember the course of this conversation?

MILCH: The Führer made a long speech to the three commanders-in-chief of the Army, Navy, and Air Force, and their chiefs of staff. Several other persons were also present. The gist of it was that Hitler declared he had decided to solve in one way or another the question of a corridor across the Corridor to East Prussia, and in connection with that he discussed the possibility of complications which, in consequence, might arise in the West. It was only a speech, not a discussion or a conversation.

DR. STAHMER: Was anything else discussed or presented by him, any further details?

MILCH: Yes, it was just the question whether the West—probably he was thinking primarily of France—would keep quiet or whether it would interfere.

DR. STAHMER: Was anything said of the possibility of an attack on Poland or, as I remember, was only the solution of this Corridor problem mentioned?

MILCH: Actually, I understood him to say that he would solve this problem in any case, so his first thought was probably of negotiations, but if these negotiations did not produce results, then a military solution would probably have to be considered.

DR. STAHMER: Were there any further discussions about that?

MILCH: No, it was expressly ordered that any discussion by the participants, even among themselves, was forbidden. I, for instance, was forbidden to inform the Reich Marshal, who was not there. Hitler declared that he himself would inform Göring. I remember that at that time there was also issued the famous order which has been mentioned previously, and which as Führer Order Number 1 had to be displayed in every one of our offices, to the effect that nobody should tell anybody anything he need not know; that nothing should ever be told sooner than was necessary; and that only just as much should be told as was necessary for the other person to know.

DR. STAHMER: Then you did not inform the Reich Marshal about this conference?

MILCH: No; I was forbidden to do so.

DR. STAHMER: When did he find out about it?

MILCH: I do not know.

DR. STAHMER: What was the attitude of the then Field Marshal Göring towards war?

MILCH: I was always under the impression—this already became apparent at the time of the occupation of the Rhineland—that he was worried lest Hitler's policy might lead to war. In my opinion, he was against war.

DR. STAHMER: When did you find out for the first time that Hitler had planned some operation against Russia?

MILCH: As far as I remember, that was in the spring of 1941. May I correct myself once more? I want to look in my notebook. On 13 January the Reich Marshal told me that Hitler expected an attack against Germany on the part of Russia; then for some time I did not hear anything further and the Reich Marshal did not mention either what his opinion was. At any rate, during the weeks and months following I did not hear any more about it. It is true, however, that at that time I was very seldom in Berlin and not at all at headquarters, but on inspection tours, *et cetera.* When I returned—and I do not remember whether it was in March or April—one of my subordinates made a report to me on a question of clothing, and he put the question to me whether winter clothing had to be provided in case of war against Russia. I was very surprised at this question. I had not been previously informed. I could only tell him that if it came to war with Russia we should then need clothing for several winters, and I told him what kind of winter clothing I would suggest.

DR. STAHMER: Did you speak a second time to Field Marshal Göring about this war?

MILCH: Yes.

DR. STAHMER: When was that?

MILCH: On 22 May, on one of my tours, I again came into contact with the Commander-in-Chief for the first time after a long interval. It was in Veldenstein where Göring was at the time. There I discussed the question with him and I told him that, in my opinion, it would be a great historical task for him to prevent this war since it could only end with the annihilation of Germany. I reminded him that we should not voluntarily burden ourselves with a two-front war, *et cetera.* The Reich Marshal told me that he also had brought forward all these arguments, but that it was absolutely impossible to dissuade Hitler from this war. My offer to try to speak to Hitler once more was declared by the Reich Marshal to be absolutely hopeless. We had to resign ourselves; nothing could be done about it. From these words it was quite clear that he was against this war, and that under no circumstances did

he want this war but that also for him, in his position, there was no possibility of dissuading Hitler from this project.

DR. STAHMER: Did it also appear from what he said that he had told Hitler of his misgivings?

MILCH: Yes, it was quite clear to me, that he had also spoken about the question of a two-front war, and he told me that he had also laid before Hitler the arguments I had brought forward; but he told me that it was hopeless. I would like to say something more about the 23rd of May. After this discussion, and owing to the fact that the German Air Force had hardly any reserves of bombs available, I proposed that bombs should be manufactured. Previously Hitler had considered this unnecessary and superfluous for the time being. The shortage of iron came into the question. After this conference, being under the impression that complications might arise, I pointed out that the Air Force with its bomber fleet was not ready for action. My proposal was again rejected by Hitler after 23 May. He would let me know in time if and when we needed bombs. When we pointed out that the manufacture of bombs would take several weeks, even months, he declared that there would be plenty of time for that later. From that I came to the conclusion and you know I was not allowed to discuss it with anybody—that Hitler's words on 23 May were not meant as seriously as they had sounded to me.

DR. STAHMER: When was this last conversation concerning the refusal to manufacture bombs?

MILCH: That was about—I spoke once in that connection, after May when the situation was known. But later, during the latter part of summer, I again brought it to his attention. Again it was rejected. The order to manufacture bombs was not given by Hitler until 12 October 1939, although we had pointed out that deficiency before. Hitler said, if I remember correctly, "My attempts to make peace with the West after the campaign against Poland have failed. The war continues. Now we can and must manufacture the bombs."

DR. STAHMER: Did Hitler ever tell you that it was his serious desire to live in peace with the West?

MILCH: Yes. I did not go into the details of my visits. When I came back from France, I was with Hitler for two hours on the Obersalzberg, to report to him about the visit to France. Likewise, after the visit in England about two weeks later, I had to make a report to Hitler which lasted several hours. He was very interested, and after the second report, that is to say, after the English visit, he declared, "I wish to carry on my policy in such and such a way, but you can all rest assured that I will always rely on England.

I shall try to co-operate with England at all times." This conversation took place on 2 November.

DR. STAHMER: What year?

MILCH: The year 1937, the 2d of November.

DR. STAHMER: You mentioned two conversations?

MILCH: Yes, the first was the report about the visit to France and the second about the visit to England. Hitler, who did not know foreign countries at all, was extremely interested to hear from a soldier something about his reception, the country, armaments, and so forth.

DR. STAHMER: What were the relations between Reich Marshal Göring and Himmler?

MILCH: It was not always clear to me. I had the impression that there was always some rivalry on the part of Himmler. The mutual relationship, however, must always have been very correct and very courteous on the surface; how they really stood, I could not say.

DR. STAHMER: In May of 1942, there was an exchange of correspondence between you and the SS Obergruppenführer Wolff?

MILCH: Yes, Sir.

DR. STAHMER: In particular, about medical experiments on inmates of the Dachau Camp. Could you tell us anything about that?

MILCH: I was interrogated about that question here in Nuremberg, and what I no longer remembered of the matter was recalled by two letters—a letter from Wolff, who was adjutant to Himmler at the time, and another letter from Himmler to me and the answer which I had given, were submitted to me. They concerned the experiments with air-pressure chambers and chilling. These letters were addressed to me only because Himmler did not know the official channels of the Luftwaffe. The letters were delivered to the Medical Inspection department, which was not subordinate to me. The Medical Inspection department also wrote the answer and submitted it to me. I modified the answer a little and had it mailed. I have not read a report sent by Himmler in this connection. He also offered a film. I did not see the film. The Medical Inspector, whom I asked what it was all about, told me that the Air Force was fully informed about both problems, and that the experiments with air-pressure chambers had been carried out by our young doctors who had volunteered for that purpose. Likewise, in the question of chilling there was nothing of interest to the Air Force. We both agreed to his suggestion that we did not want to have anything to do with the matter. I asked him what these experiments were made for. He told me that criminals were subjected to

these experiments. I asked him in what way. He said, in the same way as our young doctors had subjected themselves to these experiments. Then we wrote him a letter which was quite polite—one could not write differently to these people—but completely repudiating the experiments. We would have nothing to do with them. In Himmler's letter I had been asked to make a report to the Reich Marshal also about that question.

I had the impression that by these experiments the SS wanted to make themselves important in Hitler's eyes. These were the words also used by the chief of the medical department to me. During a long report on quite different questions I mentioned this matter briefly to the Reich Marshal, because I had to expect that one day he would be approached by Himmler, and perhaps would not know anything about the whole question. The Reich Marshal asked me, when I told him about such and such experiments, "What does this mean?" I gave him the reply which I had been given by the Medical Inspector. I told him that we did not want to have anything to do with them, and that we repudiated them. He said he was exactly of the same opinion, but I should be very careful not to provoke the SD or treat them badly. What the experiments were about I do not know, neither do I know what was done to the people; I do not know it even now.

DR. STAHMER: Did the Reich Marshal know?

MILCH: No, certainly not.

DR. STAHMER: Did Dr. Rascher leave you soon after that to join the SS?

MILCH: I could not say. I do not know Dr. Rascher, and had nothing to do with the question of transfer. Rascher was not subordinate to me any more than was the chief of the medical department or the personnel office.

DR. STAHMER: Do you know whether Reich Marshal Göring gave orders to the troops under his command, saying that sabotage troops should be annihilated, or that captured enemy terror-fliers should be turned over to the SD without judicial procedure?

MILCH: No, I did not know anything about that.

DR. STAHMER: Did you never hear anything of that kind?

MILCH: No.

DR. STAHMER: What was the attitude of the Reich Marshal towards captured airmen in general?

MILCH: I sometimes used to speak to the Reich Marshal about that.

MR. JUSTICE JACKSON: I wish to interpose an objection. I think we have been very liberal. I think we have been very liberal

in allowing all kinds of statements, but it does seem to me that this passes anything that is suitable as evidence. This witness has indicated that he has no knowledge of the subject; he did not know the orders which are in evidence, and he assumes to state the attitude of the Reich Marshal. I have no objection to his making any statement of any facts from which this Tribunal may be informed of the attitude of the Reich Marshal, but I think that for one witness to state the state of mind of another person without any facts whatever passes the bounds of what we can possibly let go here into evidence. It does not help to solve the problem and I respectfully object to the question and answer as not constituting credible and relevant evidence on any subject before the Tribunal.

THE PRESIDENT: Dr. Stahmer, I think you should confine yourself to any facts and observations of the Defendant Göring. As the witness had just said that he never heard of any action against the terror-fliers at all, I do not see how he could give evidence as to the attitude of the Defendant Göring about it.

DR. STAHMER: Mr. President; I should like to formulate my question as follows: Did Reich Marshal Göring discuss with the witness as to how enemy airmen who had been shot down should be treated?

MILCH: No.

DR. STAHMER: That is, I suppose, a fact, is it not?

MILCH: This was not discussed with me.

DR. STAHMER: I have one more question. Did he speak to you about the fact that he was opposed to any cruelty in the treatment of the enemy?

MILCH: That was just what I wanted to say before. He said that to me before the war, remembering the first World War.

DR. STAHMER: And what did he say about it?

MILCH: That once they have been shot down, they are our comrades; that was the gist of it.

DR. STAHMER: I have no more questions to put to the witness. I place him at the disposal of the Defense or the Prosecution.

THE PRESIDENT: Do any of you wish to ask this witness any questions?

DR. LATERNSER: Witness, as you know, the Prosecution have grouped together a certain circle of people consisting of the highest ranking military leaders in order to declare this circle criminal. You probably know this circle?

MILCH: Yes.

DR. LATERNSER: Was there such a grouping of equivalent offices within the German Armed Forces?

MILCH: I did not understand the question.

DR. LATERNSER: Was there ever a grouping of offices within the German Armed Forces like the one that has now been created in order to form that group?

MILCH: Yes. I believe that ever since an army existed there have also been high-ranking leaders who were grouped under their commander-in-chief.

DR. LATERNSER: Were the holders of these offices occupied with the elaboration of technical military problems on Hitler's orders, or did they work out subjects on their own initiative which were submitted to Hitler for execution?

MILCH: No. The military leaders acted only upon the orders of their superiors, that is, the generals of the Air Force on the orders of the Commander-in-Chief of the Air Force, who got his orders from the Commander-in-Chief of the Wehrmacht—that was Hitler, and before him, Hindenburg.

DR. LATERNSER: Do you know whether this alleged group of the General Staff and the OKW, as they are now combined, ever met collectively?

MILCH: Before the attack on Poland only the Army and Navy commanders who were assigned for action there were called together by Hitler. Likewise, those who were to go into action in the West in the spring of 1940 were called together by Hitler. The same thing happened again, as far as I know, before the attack on Russia.

DR. LATERNSER: Were you sometimes present at such conferences?

MILCH: At some of them, yes.

DR. LATERNSER: Could you describe the course of any such conference? Particularly I attach value to the point as to whether the higher military commanders had an opportunity to make counter-suggestions during these conferences?

MILCH: I remember the conference with Hitler which took place on the Obersalzberg before the Polish campaign. It was on 22 August. The commanders-in-chief of the Armed Forces and the commanders of the armies attended. Hitler stood in front, behind a large desk, and the generals sat in chairs next to or behind each other. He made a speech giving the reasons, the political situation, as he usually did, and his intention. During this conference any reply or discussion on the part of the generals was impossible.

Whether there was a subsequent conference dealing with the details I do not know. I know only of this speech of Hitler's. Then, before the attack on Russia, there was a different procedure. We sat around a very large table, and the respective commanders of the army groups and armies had to demonstrate on the map their intentions and the methods of executing the orders which they had received, whereupon Hitler agreed in general or, perhaps, in certain cases, said he would prefer greater strength here and less strength there: his objections, however, were only very slight.

DR. LATERNSER: That means these conferences were more in the nature of a briefing?

MILCH: Definitely, briefing.

DR. LATERNSER: Can you tell me whether any member of the group "General Staff" or of the so-called group "General Staff and OKW" ever made suggestions to deviate from the international law then in force?

MILCH: Not that I know of.

DR. LATERNSER: Do you know whether members of this alleged group frequently met with politicians or high Party members?

MILCH: In my opinion, no. I mean that, of course, for the majority of these gentlemen. It goes without saying that the commanders-in-chief of the Armed Forces, or the Chief of the OKW, must frequently have held conferences with politicians also. But the average commanders of the army groups, fleet, or army had no opportunity to do so.

DR. LATERNSER: Did the members of this so-called group, those who belonged to the Army, Navy, or Air Force, have discussions among themselves?

MILCH: If they were assigned to collaborate in a common task, for example, if the commander-in-chief of an army or an army group had a naval commander-in-chief working with him, there were naturally discussions of that kind. But with a neighboring commander-in-chief the relationship was certainly not close, and with a more remote neighbor it did not exist at all.

DR. LATERNSER: That means such discussions took place only with regard to the execution of a common task?

MILCH: Yes, for that purpose.

DR. LATERNSER: Within the Air Force, is it true that this circle of people included those officers who had held the position of Chief of Staff of the Air Force or commander of the Air Force or of an air fleet during a certain period? I have a list here of those generals of the Air Force who belonged to that group, and I should like to

ask you, with regard to a few of them, what rank and position these generals had when the war started. What was the rank of General Korten at the outbreak of war?

MILCH: I believe either colonel or lieutenant colonel, but I am not quite sure.

DR. LATERNSER: Do you know what position he held?

MILCH: I believe he was Chief of Staff of the Munich Air Fleet.

DR. LATERNSER: Then, from August to October 1944 General Kreipe was Chief of Staff of the Air Force. What was this officer when the war started?

MILCH: I presume major or lieutenant colonel.

DR. LATERNSER: Yes. Do you know what position he had?

MILCH: No, at the moment I could not say exactly. It may be that he was chief of staff of an air corps.

DR. LATERNSER: Yes. And what rank did he have at the time as Chief of Staff of an air corps?

MILCH: From major to colonel; that depends.

DR. LATERNSER: General Koller also was Chief of Staff of the Air Force for a short time. What was this officer when the war started?

MILCH: I believe lieutenant colonel.

DR. LATERNSER: Then I have only a few more names. Do you know what rank and position Dessloch had at the outbreak of war?

MILCH: I do not remember exactly; perhaps major general or colonel. I do not know exactly.

DR. LATERNSER: And General Pflugbeil?

MILCH: The same.

DR. LATERNSER: General Seidel?

MILCH: Seidel, I believe, was already Major General at the outbreak of war.

DR. LATERNSER: And what position did he have at that time?

MILCH: He was Quartermaster General in the General Staff.

DR. LATERNSER: What rank did that position have compared with commander, commander-in-chief, divisional commander . . .?

MILCH: Corps commander is about the same as a quartermaster general.

DR. LATERNSER: Yes. I have a few more questions concerning the Air Force itself and the highest military leaders. From your testimony it is to be concluded that in 1939 the Air Force was not

fully prepared for war. As to this point, could you state the reasons for this unpreparedness of the Air Force for war?

MILCH: During the few years between 1935 and 1939—I gave the figures for industry before—it would have been impossible for any soldier in any country to build an air force equal to the tasks with which we were faced from 1939 on. That is impossible. It is not possible to create the units nor to establish the schools and furnish them with adequate teaching staffs; nor is it possible to develop the planes which are necessary, and then to build them by mass production. Nor is it possible in that short period to train or produce air crews sufficiently qualified to meet the high technical standards necessarily demanded for modern aircraft. Likewise, it is impossible in such a short time to produce ground crews which are technically highly qualified and to put them at the disposal of the Air Force and also of the aviation industry. At the same time also....

THE PRESIDENT: He said that it is impossible. It should not be necessary to go into this detail on this subject.

DR. LATERNSER: I have only a few more specific questions.

[Turning to the witness.] Did the Air Force expect resistance against the invasion of Austria?

MILCH: No. We knew definitely that there would be no resistance. We did not take any arms with us.

DR. LATERNSER: How was the reception there?

MILCH: So friendly that it could not be more so in our own country.

DR. LATERNSER: Were you, as Field Marshal, informed in advance that war was to be declared against the United States?

MILCH: No.

DR. LATERNSER: In this Trial there are serious accusations against German soldiers and their leaders on account of cruelties committed. Was not every soldier sufficiently informed and instructed about the regulations of international law?

MILCH: Yes. Each soldier had a pay book. On the first page of the pay book were pasted ten commandments for the soldier. They included all these questions.

DR. LATERNSER: Can you give me examples of points contained in this memorandum?

MILCH: Yes. For instance, that no soldier—no prisoner, should be shot; that looting was not permitted. By the way, I have my pay book here. Treatment of prisoners of war; Red Cross; civilian population inviolable; attitude of soldier when himself prisoner of war and, in conclusion, the threat of punishment for offenses.

DR. LATERNSER: If it became known that soldiers had committed offenses or outrages against the civilian population, did the commanders concerned, so far as you know, interfere with the severity necessary?

MILCH: I know of some cases, I knew of some cases, where that was definitely the case, even the death penalty being imposed.

DR. LATERNSER: So the commanders always strove under all circumstances to maintain the discipline of the troops?

MILCH: Yes. I can give a notable example. A general of the Air Force had appropriated jewelry which belonged to a foreign lady. He was sentenced to death and executed. I think it was in 1943 or 1944.

DR. LATERNSER: Witness, in particular during the critical days of 1939 you were in close official contact with Defendant Göring. Did you ever hear through him about a large-scale plan for waging an extensive war?

MILCH: No.

DR. LATERNSER: In your opinion, did the other high military leaders hear or would they have heard more about it?

MILCH: No. All measures taken by Hitler—beginning with the occupation of the Rhineland—came very suddenly, as a rule after only a few hour's preparation. That applies to Austria; that also applies to Czechoslovakia and to Prague. The only time that we were told anything beforehand was the affair with Poland, which I mentioned before, where we had a conference on 23 May.

DR. LATERNSER: In all other cases, therefore, it was rather a surprise to the high military leaders?

MILCH: Yes, a complete surprise.

DR. LATERNSER: Now I have one more question: What was the possibility of resignation for high military leaders during the war?

MILCH: That has been told several times. I have also experienced it myself—one was not permitted to hand in one's resignation. It was said if there was a reason for anyone to leave, he would be informed by his superiors. In an authoritarian state the subordinate, the citizen has no right to resign on his own initiative, whether he be a soldier or a civilian.

DR. LATERNSER: I have no more questions.

THE PRESIDENT: The Tribunal will adjourn until Monday morning.

[The Tribunal adjourned until 11 March 1946 at 1000 hours.]

SEVENTY-EIGHTH DAY

Monday, 11 March 1946

Morning Session

THE PRESIDENT: Dr. Laternser, had you finished your examination?

DR. LATERNSER: I have only a few more questions to ask the witness.

[The witness Milch resumed the stand.]

DR. LATERNSER: Witness, I should like to refer again, very briefly, to the extent of the unpreparedness of the Luftwaffe for war in 1939. While on this subject I should like to ask whether the collaboration of the Luftwaffe with the OKW, the Army, and the Navy had been secured in 1939?

MILCH: In my opinion, the Luftwaffe was not prepared for a major war in 1939. No mutual agreements of any kind existed with the other branches of the Armed Forces. At any rate, I knew of no such agreements.

DR. LATERNSER: Had such agreements with other branches of the Armed Forces existed, would you have known about them?

MILCH: I imagine so, since at that time I certainly would have been involved in these matters.

DR. LATERNSER: What was the co-ordination like between the more important departments of the Luftwaffe?

MILCH: From 1937, it was rather loose. The General Staff, the technical branch and the personnel office were detached; they worked independently and more or less on their own.

DR. LATERNSER: Witness, you have just mentioned the General Staff. What do you understand by the German "General Staff of the Luftwaffe"?

MILCH: General Staff means in German leaders' assistants; in other words, junior officers who had been given specialized training, and who acted as assistants to troop commanders, from divisional commanders upwards.

DR. LATERNSER: Of whom did the General Staff of the Luftwaffe consist?

MILCH: It consisted of the officers in the administrative sections of the General Staff, from the Chief of the General Staff of the

Luftwaffe himself downwards, and also of officers who had been assigned as staff officers to divisions and corps in the field and to air fleets.

DR. LATERNSER: What time limits were set for the formation of new units of the Luftwaffe?

MILCH: The formation of larger units had not yet been ordered, although they had been discussed quite a long time before the outbreak of war. It was intended to create a larger Air Force later, but, as far as I can remember, the plans envisaged were scheduled for completion in 6 or 8 years.

DR. LATERNSER: In what year would the plans have been completed?

MILCH: I should think about 1944-1946.

THE PRESIDENT: Not only is there some technical fault—we are getting two translations at once—but both the witness and the defense counsel are going too fast.

DR. LATERNSER: Did an organization exist already in 1939 for day- and night-fighter planes?

MILCH: No, it did not exist at that time.

DR. LATERNSER: Did an organization exist for bomb warfare?

MILCH: Not to the extent necessary for a war of aggression.

DR. LATERNSER: What progress had been made at that time in the building of airfields?

MILCH: Airfields had been built with runways up to 1,000 meters, but these were only suitable for fighter planes and not for loaded heavier bombers.

DR. LATERNSER: What was the position of the Luftwaffe Signal Corps network?

MILCH: The operational network, that is, the cable network for operations, did not exist at that time; it had to be improvised and built up later on during the war.

DR. LATERNSER: What was the position of the Aircraft Observer Corps?

MILCH: This also had not yet been organized. Reverting to the question of bombers, the most I can add is that originally, in the early years, models of 4-engine bombers, which would also have been suitable for night use, were put into production. Although technically perfect, these bombers were abandoned—I believe in 1937. It was thought that the big expense entailed by such heavy bombers should be avoided, since, at that time, nobody was thinking

of war. This was at the time when Field Marshal Kesselring was Chief of the General Staff, and the question was submitted for decision to the Reich Marshal, who agreed to the discontinuance of these large bombers.

DR. LATERNSER: When was that?

MILCH: One moment, I will just look it up. On 29 April 1937 the Reich Marshal, acting on the recommendations of the Chief of the General Staff, stopped the production of these long-distance bombers. Therefore, in 1939, there were no night bombers which could in any way compare with English machines of the Lancaster type, *et cetera.*

DR. LATERNSER: What was the position of the Luftwaffe crews?

MILCH: We had just sufficient personnel replacements for a comparatively small Luftwaffe at that time. The lack of personnel replacement was the greatest handicap of all in building up the Luftwaffe. The whole question of time limits, and so on, depended on the training of personnel. It was the personnel question which regulated the pace. It was possible to build planes more rapidly, but it was not possible to expedite the training of the crews. And, as I said on Friday, this was the main consideration when dealing with the question of time limits. Pilots and technical personnel are of no use unless thoroughly trained. It is much worse to have half-trained personnel than no personnel at all.

THE PRESIDENT: Dr. Laternser, I do not want to interrupt your cross-examination but we have been sitting here for nearly 20 minutes now, and all I have got from it is that the Luftwaffe was not ready for war in 1939. It seems to me too much is being taken up with detail.

DR. LATERNSER: I have one more question on this matter. Were there any reserves of aluminum, magnesium, and rubber; and did any means exist for producing these materials?

MILCH: Not in sufficient quantities.

DR. LATERNSER: And now—one last question. Witness, during your testimony on Friday, you mentioned "Basic Order Number 1." You also gave us the contents of this order. In this connection I would like to ask: Was this order strictly observed, or not?

MILCH: Yes, very strictly.

DR. LATERNSER: I have no further questions to ask the witness.

THE PRESIDENT: Do any other of the defendants' counsel want to ask the witness any questions?

DR. HANS FLÄCHSNER (Counsel for Defendant Speer): I request permission to ask the witness a few questions.

[Turning to the witness.] Witness, do you remember when Hitler demanded the construction of bomb-proof aircraft factories in caves or concrete shelters?

MILCH: As far as I remember it was when the British started the heavy raids in 1943.

DR. FLÄCHSNER: Do you remember a conference on the Obersalzberg at the beginning of April 1944, and what you told Hitler at the time about the difficulties in the building industry, and the orders issued by Hitler on that occasion?

MILCH: Yes. On that occasion Hitler ordered very solid structures to be built. I believe he demanded six large bomb-proof factories, each with 600,000 square meters floor space. Later on, Speer, who had been absent from the April meeting through illness, raised objections to these orders. He considered this construction work to be on far too large a scale and that it was too late to undertake it. Later he obtained permission for all factories which by June 1944 were not in a sufficiently advanced stage of construction—that is, which could not start working by the beginning of 1945—to be discontinued immediately.

DR. FLÄCHSNER: I am above all interested in the question of labor. At this discussion on the Obersalzberg, did the Führer allocate the requisite labor for the construction of the factories demanded by him?

MILCH: Yes. I think I remember rightly that, in answer to the objection raised by one of the gentlemen present, he said that he himself would see that the labor was made available.

DR. FLÄCHSNER: Witness, you said that Herr Speer was opposed to these constructions. What happened then? Speer was not present at that meeting?

MILCH: No, he was ill at the time.

DR. FLÄCHSNER: Can you tell us briefly what happened?

MILCH: During Speer's illness, requests reached the Führer from other quarters that Speer should be relieved of construction work. Difficulties arose owing to the fact that whereas in theory Speer still remained in charge of building, in practice the work was nearly all taken out of his hands. He was no longer able to have any say in construction work, since it had been decided that the construction department of the Todt Organization should receive orders direct from Hitler. Thus, Speer was excluded more and more from this sphere of activity. A great deal was said at that time about large-scale constructions, but very little work was actually done on them.

DR. FLÄCHSNER: Did Hitler give a written order to Herr Dorsch, and did he have it shown to Speer? Do you know anything about it?

MILCH: As far as I can remember, such a written order was given and it was also sent to Speer. I have a vague recollection that Speer once showed me such an order.

DR. FLÄCHSNER: One last question on this matter. In this way, Dorsch, who had been directly commissioned by the Führer, took over the responsibility for these buildings and the necessary manpower?

MILCH: Yes.

DR. FLÄCHSNER: Witness, you were a member of the Central Planning Board. Can you tell me if the Central Planning Board was authorized to make decisions on the use of foreign or German labor and its allocation?

MILCH: No.

DR. FLÄCHSNER: Did the Central Planning Board ever make decisions of this kind?

MILCH: The Central Planning Board had been set up for the distribution of raw materials only; but a certain control over transportation devolved upon it. However, the matter of transportation was independent of any activity concerning allocation of raw material. It had no say in the allocation of labor. If the Central Planning Board attempted to obtain some influence as to the allocation of workers, it was because it was at the same time responsible for armaments, and therefore best able to judge the existing requirements. But here, too, considerable difficulties were encountered, and this branch of the Central Planning Board's work had to be dropped.

DR. FLÄCHSNER: So no decision was ever reached? We have records before us which show that labor problems were sometimes discussed by the Central Planning Board.

MILCH: Yes, very frequently, as the armament offices which were represented on the Central Planning Board were greatly concerned with labor problems; but these discussions mostly concerned food supplies and extra rations for the workers.

DR. FLÄCHSNER: And now—one last question on the subject. Did the Plenipotentiary General for the Allocation of Labor in any way look upon the Central Planning Board as authoritative, that is, as the final arbiter in the total plan for the utilization of manpower?

MILCH: No, he could not do that, as he himself represented that authority.

DR. FLÄCHSNER: Were there any reserves of German workers in 1943 or 1944, and did Speer request the utilization of this German manpower instead of foreign labor?

MILCH: Yes, again and again Speer made strong representations that any German labor still available, even if difficult to mobilize, should be brought in and put to work. This reserve consisted mostly of female labor, women of professional circles and social stations who in wartime had nothing to do apart from domestic work.

DR. FLÄCHSNER: Witness, you have already told us that the Defendant Speer was a sick man in 1944. Could you tell us approximately when his illness began and when it ended?

MILCH: His illness started in February, and I think it lasted until about June.

DR. FLÄCHSNER: Thank you. Do you know anything about this long illness being exploited in order to undermine severely his influence and authority? Can you tell me who was primarily interested in doing that?

MILCH: His influence was undermined in the above-mentioned building projects. It is very difficult for me to name here the individuals who probably hoped to succeed him.

DR. FLÄCHSNER: Did matters improve, or did they become worse after 20 July?

MILCH: Actually, as time went on they became worse. Speer's position became more difficult than ever, as the whole of Speer's views differed more and more from Hitler's official opinion.

DR. FLÄCHSNER: Thank you. Now, may I remind you of something else? In February 1945, by a Hitler order, the Defendant Speer was entrusted with the distribution of motor vehicles; and you, if I am correctly informed, were appointed as his representative. Can you tell me what the transport situation was like at that time, and to what extent the armaments output depended on the transport situation?

MILCH: In those days, the transport situation was so deplorable, owing to the American daylight raids, that the transport system was no longer able to carry even the most essential commodities and armament materials. Our great forge, the Ruhr district, was particularly hard hit, as well as the transport system carrying products from the Ruhr to the finishing industries in Central Germany, Berlin, and Saxony. If very stringent measures had not been taken and extraordinary powers granted, total collapse, due solely to transport difficulties, would have become only a matter of hours. That was the situation at that time.

DR. FLÄCHSNER: Could Speer, in his position, be expected to give preferential treatment to armaments when available transport was allocated? What did he actually do?

MILCH: No; Speer, like myself, saw quite clearly that the whole armament question could no longer influence the situation at that stage. Therefore, acting on his own initiative, he gave priority to the movement of food supplies for the population. The most urgent job was to remove the foodstuffs from the German territory in danger of being lost to the enemy.

DR. FLÄCHSNER: Were these measures only taken to safeguard the current food supply, or were they long-term measures?

MILCH: The intention was to move all available and transportable food to a place of safety.

DR. FLÄCHSNER: Witness, motor transport was a particularly difficult problem at the time. Was the number of trucks and the quantity of fuel to drive them cut down when transport was allocated to the armaments industry; and what orders regarding trucks did Speer issue in mid-February? Do you know?

MILCH: I know that trucks were always in such short supply in the armament industry that not even essential orders could be filled. All kinds of alternative transport had to be found, such as electric trams, a great number of horse carts, and other vehicles. But, as far as my knowledge goes, here too, Speer used this means of transport for the benefit of the German population in order to maintain some sort of food distributing organization.

DR. FLÄCHSNER: Fuel was, at that time, one of the most serious bottlenecks, was it not?

MILCH: It was, in fact, the most serious bottleneck of all.

DR. FLÄCHSNER: Witness, do you happen to know that after February 1945 Speer granted priority to repair work on nitrogen factories producing fertilizers for agriculture, which meant that repairs to fuel producing plants had to take second place?

MILCH: Yes, I do know, because Speer discussed with me in great detail the emergency measures to be taken, now that we were faced with imminent and inevitable collapse. He was of the opinion that first and foremost everything that was still possible should be done to help the German people to get through the very hard times which would follow the collapse. These first measures dealt with food supplies, salvage of food supplies, and transport for distribution.

Secondly, he sought to avoid the destruction of the German factories still in our possession, which was in direct opposition to Hitler's "scorched earth" tactics.

Thirdly, he discussed the switch-over from war to peacetime production of such factories as might still be standing. First of all, he had in mind agricultural machinery and spare parts, and banked

upon the assumption that, if once the orders were placed, they would be carried out in spite of the upheaval—for instance, even if some German factories passed into enemy hands, or when, the fighting having ceased, the government armament contracts would automatically fizzle out.

DR. FLÄCHSNER: Witness, we have now connected up an entire series of questions and I am most grateful to you. I should, however, like to ask you one more question: Could you give us any further details about the prevention of destruction?

THE PRESIDENT: Dr. Flächsner, will you explain to me why this evidence that you are calling now is relevant and to what charge it is relevant?

DR. FLÄCHSNER: Mr. President, the Defendant Speer is charged with participating in the conspiracy and in the common plan for waging aggressive warfare until 7 May 1945. If I can now prove that his activities, at least for some time before that date, were incompatible with such common plan, then this item of evidence would be relevant to the question whether this charge of the Indictment is justified or not.

THE PRESIDENT: All the evidence that you have been giving for the last 15 minutes was related to 1943 and 1944, and was related to conferences with reference to the erection of factories for the production of bombers and the fact that—as far as I have understood it—the fact that Speer was engaged more on attempting to feed the German people than on building armament factories. What that has to do with it, I have not any idea.

DR. FLÄCHSNER: The first point referred to Document 1584-PS, which the Prosecution submitted as incriminating my client. The document says that, at a conference on the Obersalzberg, the construction of certain factories was ordered, and that 100,000 Hungarian Jews were employed on this construction. The purpose of the interrogation of this witness was to establish that the Defendant Speer could not be held responsible for this construction, since Hitler had given the order for this work directly to somebody else, and to eliminate this particular point submitted by the Prosecution in support of their charge. That was the purpose of the first question. The purpose of the second question, concerning the avoidance of destruction and the safeguarding of agricultural produce and the food supply of the German people, is connected with the accusation of participating in a conspiracy for the execution of a common plan; whereas all the activities, just confirmed by the witness, were to serve an entirely different aim and had just the opposite effect to the common plan alleged by the Prosecution. They did not serve the war effort but were directed towards peacetime economy.

THE PRESIDENT: There is no charge against Speer on the ground that he attempted to feed the German people during the war. The Prosecution have not laid that against him as a charge.

DR. FLÄCHSNER: Mr. President, I never said that the Prosecution had raised this charge against him. There must have been a mistake in the transmission.

[Turning to the witness.] One last question, Witness. Can you tell us to what extent Speer informed the Führer at a later date of the results of the heavy air raids on Hamburg and on other cities?

MILCH: He gave the Führer the fullest information and repeatedly drew his attention to the difficulties.

DR. FLÄCHSNER: Thank you.

DR. ROBERT SERVATIUS (Counsel for Defendant Sauckel): Witness, did the Central Planning Board also concern itself with labor problems?

MILCH: Yes.

DR. SERVATIUS: Were the manpower requirements established?

MILCH: They were established by the industries and reported through the labor exchanges. We also submitted figures on the shortages of manpower in the armament industry.

DR. SERVATIUS: May I interrupt you? What did you do, once the requirements were established? And what was the purpose of establishing them?

MILCH: They showed the shortages in manpower caused by the continual calling up of the workers for war service.

DR. SERVATIUS: Was this not done in order to bring in more workers?

MILCH: The request for more workers came from the factories. We supported the factories in their negotiations with Sauckel by telling him that such and such an industry had applied for so and so many workers. We also told him which of their figures were too high according to our calculations.

DR. SERVATIUS: Did the figures represent the total sum of the workers needed?

MILCH: No. It was a general figure according to the statistics supplied by Sauckel's labor exchanges.

DR. SERVATIUS: Who fixed the requirements, Sauckel or the applicants for labor?

MILCH: The factories did.

DR. SERVATIUS: What was the Central Planning Board's task in connection with labor problems?

MILCH: The Central Planning Board dealt with the distribution of raw materials. It also had to see that raw materials were made available . . .

DR. SERVATIUS: My question concerns the workers and not raw materials.

MILCH: Please wait until I have finished what I want to say. You will then understand what I mean. The raw materials had to be produced and their production called for workers. For instance, in the mining industry and the aluminum factories . . .

DR. SERVATIUS: Witness, may I interrupt you? It is clear that workers are essential for production; but what I want to know is who made the request for labor, and who finally decided as to the numbers of workers required?

MILCH: The factories made the request and Sauckel decided on the figures. He placed at their disposal as many workers as he could get, but the numbers were always below the figure requested.

DR. SERVATIUS: In this connection did he have a free hand, or did the Führer make the decisions?

MILCH: As far as I know, the Führer intervened very frequently and Sauckel was often summoned to confer with Hitler.

DR. SERVATIUS: Were there not discussions at the Führer's headquarters on all essential programs, especially those involving manpower?

MILCH: No, not all programs; but occasionally these matters were discussed. However, the discussions with the Führer about labor problems were mostly very brief. He did not wish to discuss the wider issues of this matter.

DR. SERVATIUS: What had the Four Year Plan to do with the matter?

MILCH: The Four Year Plan, as far as I know, also dealt with these problems. But I rather think that in this respect it served as an auxiliary organization for Hitler, who did not wish to discuss these matters in detail.

DR. SERVATIUS: Do you know that according to decrees Sauckel had to subordinate himself to the Four Year Plan, that is, to Göring, and that he had to receive orders from him?

MILCH: I do not exactly know how matters stood.

DR. SERVATIUS: One more question. How did the workers, the foreign workers, behave? Were they willing and hard working?

MILCH: The majority were excellent workers.

DR. SERVATIUS: How do you account for that?

MILCH: In the first years these workers were pleased to be able to get work and food. We treated them well, as far as I can judge, and their rations were larger than those of the German population. They received extra rations on the same scale as the German workers for heavy and very heavy physical work, also for overtime. The French and Russian workers worked exceptionally well. I occasionally heard complaints about the Dutch workers.

DR. SERVATIUS: Are you familiar with Sauckel's regulations concerning the welfare of the foreign workers?

MILCH: I remember that on one occasion Sauckel spoke to us on this subject at the headquarters of the Central Planning Board.

DR. SERVATIUS: Did he show a humane or a severe attitude?

MILCH: His intentions were entirely humane. Sauckel had been set a very difficult task by Hitler. As far as I know, he had been a workingman himself and, as a seaman, had worked very hard in his time; consequently, he was kindly disposed towards workers.

DR. SERVATIUS: I have no further questions to ask the witness.

PROFESSOR DR. HERMANN JAHRREISS (Counsel for Defendant Jodl): Witness, did you take part in the 1937 Wehrmacht maneuvers?

MILCH: In Mecklenburg, I believe.

DR. JAHRREISS: Yes, that is so. Do you remember if any foreign officers were present as guests?

MILCH: Yes. I know that a large British military mission was present and a general, who later was appointed Governor of Gibraltar.

DR. JAHRREISS: General Ironside?

MILCH: Yes, Ironside. I spoke to him personally and also welcomed some of the gentlemen of his staff. There were also Italian officers and officers from many other countries; at the moment I cannot say exactly what countries—I have forgotten.

DR. JAHRREISS: Was there by any chance a French military mission as well?

MILCH: I think so, but I cannot say for certain—I cannot remember so far back. But I did speak to General Ironside.

DR. JAHRREISS: Witness, do you know if at that time these foreign officers were also shown the most up-to-date German armament equipment?

MILCH: Yes.

DR. JAHRREISS: Was all the equipment demonstrated in action?

MILCH: Everything was demonstrated in action, with the exception of a new plane not yet in use; but even this was shown.

DR. JAHRREISS: Do you know if we, that is, Germany, also allowed foreign powers to inspect our air raid precautions equipment?

MILCH: Yes, on many occasions. A Mr. Fraser came to see me from England, together with Lord Trenchard. Mr. Fraser was interested in air raid precautions equipment, and was immediately shown the latest developments.

DR. JAHRREISS: When was that, please?

MILCH: I think it was in 1937 or 1938, but I will see if I can find the date. *[Referring to his notes.]* It was on 1 July 1937.

DR. JAHRREISS: Do you remember if anybody else came from England at a later date?

MILCH: It was later followed by a personal interchange between our services and the British. I myself, having brought them together, took no further part in the matter.

DR. JAHRREISS: Thank you. One more question. Do you remember the conflict which arose over the reoccupation of the Rhineland?

MILCH: Yes.

DR. JAHRREISS: You also know how great was the excitement it caused.

MILCH: Yes.

DR. JAHRREISS: Did the Luftwaffe also take part in the reoccupation of the Rhineland—to be precise, on the left bank of the Rhine?

MILCH: I cannot, at the moment, answer this question. The reoccupation of the Rhineland was so sudden that I was taken unawares while on leave. When I returned, the occupation was well under way. I know that Düsseldorf had been occupied and that the Luftwaffe had taken part. I myself went there a few days later.

DR. JAHRREISS: But that is on the right bank of the Rhine?

MILCH: That is on the right bank.

DR. JAHRREISS: Then you know nothing about the left bank of the Rhine?

MILCH: No, I cannot say anything about it at the moment. I do not believe there was an airfield there; anyhow, I cannot remember exactly.

DR. JAHRREISS: You say that the reoccupation of the Rhineland was very sudden. But had nothing been arranged beforehand by the Luftwaffe to provide for such an event?

MILCH: The decision was made when I was on leave and everything we had was naturally used for this purpose, but we did not have very much.

DR. JAHRREISS: Quite so, but let us get it quite clear. Was the Luftwaffe told to be ready for the first time while you were on leave?

MILCH: Yes, definitely; otherwise I would not have gone on leave.

DR. JAHRREISS: What was the earliest date on which the Luftwaffe was given the alert before the reoccupation?

MILCH: It might have been a matter of 14, 15, or 16 days. That would be the maximum.

DR. JAHRREISS: Witness, on Friday you made a statement about the part played by the Luftwaffe in the military operations for the completion of the Anschluss policy in March 1938. On what day did the preparations begin?

MILCH: The preparations began less than 48 hours beforehand. That I know exactly.

DR. JAHRREISS: And when did you first learn that military preparations were to be made for the solution of this problem?

MILCH: About 36 hours before the march into Austria.

DR. JAHRREISS: Thank you.

DR. KURT KAUFFMANN (Counsel for Defendant Kaltenbrunner): Witness, am I right in assuming that you were never in a position to issue orders to, that is, never had anything to do officially with either the Gestapo or with the concentration camps?

MILCH: No, I never had anything to do with them.

DR. KAUFFMANN: When did you first hear of the establishment of these camps?

MILCH: Through the general announcements in 1933 that concentration camps, or rather that one concentration camp had been established.

DR. KAUFFMANN: Did you, during the years which followed, receive more detailed information concerning further establishments of this kind?

MILCH: Until the war ended I had heard of Dachau and Oranienburg only. I knew nothing at all about any other concentration camps. At my own request and in the company of some high-ranking officers of the Luftwaffe, I inspected Dachau in 1935. I saw no other concentration camps, nor did I know anything about what happened in them.

DR. KAUFFMANN: During your inspection, what impression did you get of the establishment itself and the treatment of the internees, *et cetera*?

MILCH: At that time there was so much talk about these camps, also in Germany in our officers circles, that I decided to judge for myself. Himmler gave his immediate consent to my request. At that time, I believe, Dachau was the only concentration camp in existence. There I found a very mixed assortment of inmates. One group consisted of major criminals, all habitual offenders; other groups consisted of people who repeatedly committed the same offense which were not crimes, but only offenses. There was another group of persons who had participated in the Röhm Putsch. One of the men I recognized as having seen before. He had been a high-ranking SA leader and was now an internee. The camp, run on military lines, was clean and properly organized. They had their own slaughterhouse and their own bakery. We insisted on having the food of the internees served to us. The food was good and one of the camp leaders explained that they fed the inmates very well as they were engaged on heavy work. All the inmates whom we approached explained the reason for their internment. For instance, one man told us that he had committed forgery 20 times; another, that he had committed assault and other offenses 18 times. There were many cases of this kind. I cannot, of course, say if we were shown everything in this large establishment.

DR. KAUFFMANN: You have just mentioned that the question had been discussed in military circles, among the officers. Later, when you returned, did you convey your impressions of Dachau to anyone?

MILCH: I scarcely mentioned them to anybody, only if my more intimate comrades broached the subject. As I have said before, I did not go alone; there were several other gentlemen with me and, no doubt, they too must have had occasion to discuss this subject in smaller circles.

DR. KAUFFMANN: Unheard of acts of cruelty were perpetrated in the concentration camps. Did you come to hear of them and, if so, when did you first hear of them?

MILCH: On the day on which I was captured it was revealed to me for the first time when internees from an auxiliary camp in the vicinity were led past the place where I was captured. This was the first time I saw it for myself. The rest I learned in captivity from the various documents which we were shown.

DR. KAUFFMANN: Then it was completely unknown to you that more than 200 concentration camps existed in Germany and in the occupied territories.

MILCH: It was completely unknown to me. I have already mentioned the two camps whose existence was known to me.

DR. KAUFFMANN: It could be held against you that it must have been impossible not to know of these facts. Can you explain to us why it was not possible for you to obtain better information regarding existing conditions?

MILCH: Because the people who knew about these conditions did not talk about them, and presumably were not allowed to talk about them. I understand this to be so from a document in the Indictment against the General Staff, in which Himmler—also erroneously considered as one of the high-ranking military leaders—had issued an order to this effect. This document dealt with some conference or other of high-ranking police leaders under Himmler, in 1943, I believe.

DR. KAUFFMANN: Am I right in saying that any attempt to disclose conditions prevalent in the concentration camps was impossible unless the person in question was ready to risk his life?

MILCH: In the first place the large number of concentration camps was unknown to everybody, as it was unknown to me. Secondly, nobody knew what went on there. This knowledge was apparently confined to a very small circle of people who were in the secret. Further, the SD was very much feared by the entire population, not only by the lower classes. If anybody tried to gain access to these secrets he did so at the peril of his life. And again, how could the Germans know anything about these things, since they never saw them or heard about them? Nothing was said about them in the German press, no announcements were made on the German radio, and those who listened to foreign broadcasts exposed themselves to the heaviest penalties, generally it meant death. You could never be alone. You could depend upon it that if you yourself contravened that law, others would overhear and then denounce you. I know that in Germany a large number of people were condemned to death for listening to foreign broadcasts.

DR. KAUFFMANN: Did it ever come to your knowledge that there had been mass deportations of Jews to the Eastern territories? When did you first hear about it?

MILCH: I cannot give the exact date. Once, in some way or other, I can no longer remember how, the information did reach me that Jews had been settled in special ghetto towns in the East. I think it must have been in 1944 or thereabout, but I cannot guarantee that this date is exact.

DR. KAUFFMANN: You have just mentioned ghettos. Did you know that these mass deportations were, in effect, a preliminary step to mass extermination?

MILCH: No, we were never told.

DR. KAUFFMANN: May I ask you further if, in this connection, you had any idea about the existence of the Auschwitz extermination camp?

MILCH: No. I first heard of the name much later. I read it in the press after I was captured.

DR. KAUFFMANN: So-called Einsatzkommandos were employed in the East, where they carried out large-scale exterminations, also of Jews. Did you know that these Einsatzkommandos had been created by order of Adolf Hitler?

MILCH: No. The first I heard of these Einsatzkommandos was here in prison in Nuremberg.

DR. KAUFFMANN: Did you know that a special campaign was launched for the extermination of Jewish citizens in the southeastern provinces of the Reich, which, according to the statement of the leader concerned, named Eichmann, caused the death of from 4 to 5 million Jews?

MILCH: No, I know nothing at all about it. This is the first time I have heard the name Eichmann mentioned.

DR. KAUFFMANN: Am I correct in stating that in Germany, under the regime of an absolute leader, any opposition to a supreme order would most probably have meant death?

MILCH: That has been proved in many hundreds of cases.

DR. KAUFFMANN: Am I also correct in stating that the peril would have been equally deadly even if the order had been opposed on legal and moral grounds?

MILCH: I believe that here, too, one would have had to be prepared to pay the penalty, and not only one's own, but the family's as well.

DR. KAUFFMANN: Thank you. I have no more questions to ask.

DR. WALTER SIEMERS (Counsel for Defendant Raeder): Witness, I have only a short question to ask you. You told us, on Saturday or on Friday, that in 1937 you had discussions with an English mission. This mission was headed by Air Vice Marshal Courtney. I should like to know from you if, in the course of these discussions, it was agreed that the competent German and British authorities should exchange information concerning the establishment plans for their respective Air Forces?

MILCH: Your surmise is correct.

DR. SIEMERS: How was the agreement made?

MILCH: The agreement was drawn up in writing.

DR. SIEMERS: Had the British and German Air Forces establishment plans for each year?

MILCH: No. The plans covered several years.

DR. SIEMERS: How many years ahead were covered by the 1937 plan?

MILCH: I cannot tell you from memory. At that time it may possibly have covered 2 or 3 years.

DR. SIEMERS: That would have been from 1938 till 1940?

MILCH: Possibly 1937, 1938, 1939, 1940. I cannot say for certain. I have forgotten.

DR. SIEMERS: Had this plan a technical name? Was it called "Establishment Plan," or did it have some other name?

MILCH: I cannot remember now. We generally referred to it as the projected establishment plan.

DR. SIEMERS: On the English side, were the plans also drawn up to cover a definite period—say 3 years?

MILCH: I believe the periods covered were very much the same. The system was more or less the same.

DR. SIEMERS: I thank you very much.

THE PRESIDENT: Does the Prosecution now wish to cross-examine? Mr. Justice Jackson, I am sorry to have called you up. Perhaps it would be convenient to adjourn for 10 minutes now.

[A recess was taken.]

MR. JUSTICE JACKSON: Witness, you are a prisoner of war of the United States at the present time?

MILCH: No, I am not a prisoner of war of the United States. I was an English prisoner of war, and since I have been here I have been declared an internee. I do not know what that means. At any rate, it is not correct to apply it to a prisoner-of-war officer taken by the enemy during action before the end of hostilities.

MR. JUSTICE JACKSON: You have been allowed to confer with counsel both while this Trial was in progress and . . .

MILCH: I have been able to confer with some of the Counsel for the Defense, not with all of them. I assume that the other Defense Counsel did not desire it.

MR. JUSTICE JACKSON: Now, you will save a great deal of time if you will answer my questions as briefly as possible and with "yes" or "no" where possible. You have been allowed to prepare, keep, and bring to the Court notes after your consultations with counsel?

MILCH: The notes which I had with me were made by me before I conferred with defendants' counsel.

MR. JUSTICE JACKSON: You have made none of the notes since your consultations with counsel?

MILCH: I made one note for myself about one consultation. It was merely about a date which had been mentioned to me and which otherwise I could not have remembered.

MR. JUSTICE JACKSON: And you occupied a very high position in the German Air Force?

MILCH: I was Inspector General.

MR. JUSTICE JACKSON: You frequently attended conferences on behalf of Göring?

MILCH: On behalf of Göring, very rarely.

MR. JUSTICE JACKSON: You deny that you attended conferences on behalf of Göring frequently?

MILCH: No. I do not deny it at all, but I was called upon to attend some of these conferences by virtue of my own office. I rarely had occasion to represent Göring as he usually attended these conferences himself.

MR. JUSTICE JACKSON: You had a very large part in building up the Luftwaffe, did you not?

MILCH: Yes.

MR. JUSTICE JACKSON: And you were honored for that, were you not, in 1941, by the Hitler regime?

MILCH: 1941—no; I believe, Mr. Justice Jackson, you mean 1940.

MR. JUSTICE JACKSON: 1940—well, perhaps I am wrong.

MILCH: You mean the promotion to Field Marshal, don't you?

MR. JUSTICE JACKSON: When was your promotion to Field Marshal?

MILCH: On 19 July 1940.

MR. JUSTICE JACKSON: And did you not receive a gift from the Hitler regime in recognition of your services?

MILCH: In 1942, on the occasion of my fiftieth birthday, I received a recognition.

MR. JUSTICE JACKSON: And the recognition was in the form of cash, wasn't it?

MILCH: Yes, it was a cash recognition, with which I could buy myself an estate.

MR. JUSTICE JACKSON: And what did it consist of?

MILCH: The sum amounted to 250,000 marks.

MR. JUSTICE JACKSON: And now you come here to testify, as I understand your testimony, that the regime of which you were a part put Germany into a war for which it was in no way prepared. Do I understand you correctly?

MILCH: It is correct insofar as Germany in 1939 entered into a war for which she was not prepared as far as the Air Force was concerned.

MR. JUSTICE JACKSON: Did the head of the Air Force ever give any warning of that fact to the German people?

MILCH: That I am unable to say. I do not believe he could do that.

MR. JUSTICE JACKSON: You do not know that he ever did do it, do you?

MILCH: I cannot remember that he ever gave such a warning to the people publicly. I assume that the warning was given to his superior military officer.

MR. JUSTICE JACKSON: And what officer would be above him?

MILCH: That would be the Führer, Adolf Hitler.

MR. JUSTICE JACKSON: The Führer, yes.

MILCH: As a soldier, the Reich Marshal could not address himself to the public.

MR. JUSTICE JACKSON: Now, can you point to any time at any meeting of the High Command, or at any other meeting that the Führer called, when Reich Marshal Göring, in the presence of any of these people, raised the question that Germany was not prepared for war?

MILCH: I cannot remember such a conference, because such conferences were held only between the two people concerned. The Reich Marshal never strongly opposed the Führer in public, or before any large group of his officers, because Hitler would not have tolerated such opposition.

MR. JUSTICE JACKSON: Do you know of any occasion when any one of the defendants in the box ever took a public position against going to war?

MILCH: Publicly, no; I cannot remember any occasion. But I rather think that also to the gentlemen who now stand accused the whole question of the war came as a great surprise.

MR. JUSTICE JACKSON: You would like to believe that?

MILCH: I do believe it, yes.

MR. JUSTICE JACKSON: You do believe it. How long did it take the German Armed Forces to conquer Poland?

MILCH: To conquer Poland—18 days, I believe.

MR. JUSTICE JACKSON: Eighteen days. How long did it take to drive England off the Continent, including the disaster of Dunkirk?

MILCH: I believe 6 weeks.

MR. JUSTICE JACKSON: How long did it take to overrun Holland and Belgium?

MILCH: A few days.

MR. JUSTICE JACKSON: How long did it take to overrun France and take Paris?

MILCH: Two months in all.

MR. JUSTICE JACKSON: And how long did it take to overrun Denmark and take possession of Norway?

MILCH: Also a short time. Denmark took a very short time, because Denmark gave in immediately, and Norway gave in in a few weeks.

MR. JUSTICE JACKSON: And you testify, and you want this Tribunal to understand you, as an officer, as saying that there was no preparation known to the officers in advance of those movements? Is that your testimony as an officer?

MILCH: Pardon me, I did not understand you just now.

MR. JUSTICE JACKSON: You testified that those were all surprise movements to the officers of the Luftwaffe. You were surprised at every one of them, you said.

MILCH: I said, surprised by the outbreak of war, because at first it was a question of Poland only. The other actions came very much later and there was more time to prepare for this war.

MR. JUSTICE JACKSON: Well now, relative to Poland, you do not deny that Germany was well prepared for a war with Poland, or do you?

MILCH: The might of Germany, as compared with Poland, was powerful enough. What I meant to imply when speaking of preparedness for war in my testimony, was a degree of preparedness for entering a world war. For that Germany was not prepared in 1939.

MR. JUSTICE JACKSON: But she was prepared for the campaign that she initiated, was she not?

MILCH: I would not say that; I would say that of course she had armaments, in the same way as every other nation with armed forces. Our armed forces were made ready against Poland and, to our own surprise, proved sufficiently powerful to crush Poland in a very short time.

MR. JUSTICE JACKSON: Would you question or deny that, relative to the other powers on the Continent of Europe, Germany was the best prepared for war on the first day of September 1939?

MILCH: I believe that, taking it all round, the British Air Force at that time was stronger than the German.

MR. JUSTICE JACKSON: I asked you in reference to the Continental powers. Do you question that Germany was far better prepared for war than any of her immediate neighbors?

MILCH: I am convinced that France and Poland, according to their respective strength, were just as well prepared for war as Germany. They had the advantage of a longer time in which to arm, whereas Germany could only begin to arm 5 years before the outbreak of the war.

MR. JUSTICE JACKSON: When did you first meet Hermann Göring?

MILCH: I believe in the year 1928.

MR. JUSTICE JACKSON: What was he then? What position did he hold?

MILCH: He was then a member of the Reichstag.

MR. JUSTICE JACKSON: And what were you doing? What was your business?

MILCH: I was then Director of the German Lufthansa, a civil aviation concern.

MR. JUSTICE JACKSON: Did you have some discussions with Hermann Göring at about that time as to the use of an Air Force if the Nazi Party came to power?

MILCH: At that very early time, no.

MR. JUSTICE JACKSON: When did you first discuss that with Göring?

MILCH: I believe Göring spoke to me on this subject in 1932, when a plan was formed to take over the government in 1932. It was believed already at that time that the other parties would form a government together with the National Socialists. On that occasion, I think, Göring did speak of the possibility of Germany being freed from armament restrictions, given a government at the helm which included the National Socialists.

MR. JUSTICE JACKSON: Following that you became a member of the Nazi Party, did you not?

MILCH: I joined the Party only after 1933. When I again became an officer my membership lapsed.

MR. JUSTICE JACKSON: You waited until after they had seized the power?

MILCH: Yes.

MR. JUSTICE JACKSON: Do you recall a conversation that you had with Hermann Göring on the 28th of January 1933?

MILCH: Yes.

MR. JUSTICE JACKSON: And where did that take place?

MILCH: In my own residence.

MR. JUSTICE JACKSON: Did he call upon you?

MILCH: I had guests in my house that evening, and he suddenly arrived because he wanted to talk to me very urgently.

MR. JUSTICE JACKSON: And will you relate to the Tribunal the conversation that you had with Göring at that time?

MILCH: He told me that an agreement had now been reached with the other parties in question for the formation of a coalition government with the National Socialists. Reich President Von Hindenburg had agreed to the appointment of Adolf Hitler as Chancellor in this government.

He asked me whether I would be ready to offer my collaboration in an Air Ministry to be set up. I proposed two other persons instead of myself, explaining that I did not wish to leave the Lufthansa. Göring rejected them and insisted that I place myself at his disposal.

MR. JUSTICE JACKSON: Did you agree to do so?

MILCH: I asked for his permission to think the matter over, and I made my consent dependent on whether Hitler would insist.

MR. JUSTICE JACKSON: Well, what did Hitler do?

MILCH: I accepted on the 30th, after Hitler had told me once again that he considered my technical knowledge and ability in the field of aviation to be indispensable.

MR. JUSTICE JACKSON: So, on the day that the Nazi Party came to power, you took over the task of building a Nazi air force, did you not?

MILCH: No, not an air force. The immediate problem was the linking up of all the various branches of aviation which existed at that time. For instance, there was one civil aviation transport company, or there might have been two. There were the aviation industries, the training schools for civilian pilots, the meteorological service, and I believe there were several research institutes. That, I think, covers the entire field of aviation of that time—but it had nothing to do with an air force.

MR. JUSTICE JACKSON: Perhaps, I will say, you took over the task of making Germany predominant in the air?

MILCH: No, I cannot agree with that.

MR. JUSTICE JACKSON: Put it in your own way. Tell us what you did; what your object was in taking over this new task.

MILCH: My first task was to develop the various branches in order to build up a large air transport system.

MR. JUSTICE JACKSON: You then made visits to France and England, and on your return reported to Hitler personally, did you not?

MILCH: Yes.

MR. JUSTICE JACKSON: When you returned from England, did you warn Hitler against the activities of Ribbentrop?

MILCH: Yes.

MR. JUSTICE JACKSON: What did you tell Hitler about the activities of Ribbentrop in England?

MILCH: That I had gained the impression in England that Von Ribbentrop was not *persona grata.*

MR. JUSTICE JACKSON: Now, when you were interrogated before, didn't you state after your capture that you told Hitler that if he did not get rid of Ribbentrop soon he was going to have trouble with England? Is that not what you told Hitler in substance?

MILCH: I cannot now remember the exact words.

MR. JUSTICE JACKSON: But is that not the sense of it?

MILCH: I was of the opinion that another man should be sent to England to bring about mutual understanding as to policy, in accordance with the wish so often expressed by Hitler.

MR. JUSTICE JACKSON: Before you talked with Hitler about that, you had discussed it with Göring, had you not?

MILCH: With whom?

MR. JUSTICE JACKSON: Göring.

MILCH: About the journey? Or about what?

MR. JUSTICE JACKSON: About Ribbentrop.

MILCH: No, I did not discuss him with the Reich Marshal.

MR. JUSTICE JACKSON: There came a time when some engineers were sent to Russia, were they not, to inspect the air construction there, factories, facilities, and that sort of thing?

MILCH: Yes, that is correct.

MR. JUSTICE JACKSON: This was a group of engineers, and you had something to do with sending them there, did you not?

MILCH: No, I had nothing to do with that group. At that time technical research was not under my control.

MR. JUSTICE JACKSON: Under whose orders were they?

MILCH: Under General Udet, who, in turn, was under the Reich Marshal.

MR. JUSTICE JACKSON: And when they came back, you learned that they had reported that Russia had greater capacity for building airplane engines than all six of the German factories, did you not?

MILCH: Yes, that is correct.

MR. JUSTICE JACKSON: What order did Göring give about that information being made available even to the Führer?

MILCH: Göring did not believe the information at that time. I know that from the words of General Udet.

MR. JUSTICE JACKSON: Is it not a fact that you stated to the interrogators before that Göring called these experts defeatists, forbade them to repeat that information to anybody, and threatened them with the concentration camp if they repeated that information? Did you say that or didn't you?

MILCH: I never said it in that form.

MR. JUSTICE JACKSON: Well, use your own words and tell us just what Göring said on that subject.

MILCH: At a considerably later date, when the question of American armament figures came up, the Reich Marshal said to me, "Now, you too are going to turn defeatist and believe these large figures." I told him then that I did indeed believe these figures; but that had nothing to do with the Russian matter.

MR. JUSTICE JACKSON: Were those Russian figures ever reported to Hitler, to the Reichstag or in any way made public to the German people?

MILCH: The Russian figures? That I cannot say. I had nothing to do with the matter. The American figures were undoubtedly submitted to Hitler, but Hitler did not believe them.

MR. JUSTICE JACKSON: You testified on Friday, I believe, that you knew that the commencement of the war with Russia would mean the annihilation of Germany. I remind you of that, and that is correct, is it not?

MILCH: Not the destruction—the defeat. I think I said annihilation or defeat.

MR. JUSTICE JACKSON: You went to Reich Marshal Göring to protest against the entrance into the Russian war, is that right?

MILCH: Yes.

MR. JUSTICE JACKSON: And did Göring agree with you that it would end in the defeat of Germany?

MILCH: No, he did not agree. He had to be extremely cautious in his statements in deference to his relations with Hitler. I told him the cause for Germany's difficulties and he nodded. His words gave me the impression that he had already put the same arguments to Hitler, and that he had been unsuccessful.

MR. JUSTICE JACKSON: In other words, he agreed with you that it would end with the defeat of Germany, but did not want it said to Hitler, is that right?

MILCH: No, I would not go as far as that. When I said that this meant the defeat of Germany, I was voicing the conclusion reached by me. He merely agreed that this war should be avoided at all costs and that it would prove a misfortune for Germany. That was the way he put it; he did not use the word "defeat" in this connection.

MR. JUSTICE JACKSON: Was it mentioned by you?

MILCH: I mentioned that to open a second front against so strong an enemy would mean the defeat of Germany.

MR. JUSTICE JACKSON: And did he disagree with you about that? Did he take issue with you about that?

MILCH: No, he did not argue about it, he only declared himself opposed to taking on anything else, as he considered it impossible to do so; what we thought would not make the slightest difference and it would only give Hitler the impression that we in the Luftwaffe were defeatists.

MR. JUSTICE JACKSON: And you did not attempt any further to convey the information, from which you thought Germany would be defeated if she entered into war with Russia, to Hitler or to any other officer of the High Command?

MILCH: It was impossible for me to do so. I could not act against the order of my superior officer.

MR. JUSTICE JACKSON: Of the Reich Marshal?

MILCH: Yes, of the Reich Marshal.

MR. JUSTICE JACKSON: And, so far as you know, after his talk with you he never conveyed the information to Hitler that it was your opinion that the war would end in disaster?

MILCH: I had the impression that he had previously discussed the subject with Hitler but without any degree of success, because with Hitler that was impossible.

MR. JUSTICE JACKSON: Well, but you had been abroad for Hitler and reported to him and he apparently had confidence in you, and I am asking you if Hermann Göring ever reported to Hitler that you, from your information, felt that it was a disaster to go into that war?

MILCH: My trips were not made at Hitler's order. They were made in response to invitations from foreign governments to the Luftwaffe and at the order of the Reich Marshal. It was only because I was aware of the importance of these trips and because I incidentally heard political statements—in spite of my reluctance at the time, since they did not concern me as a soldier—that I thought it my duty to report personally to Hitler.

MR. JUSTICE JACKSON: Did Göring direct you to do that?

MILCH: To go to Hitler? Yes, Göring told Hitler about it and Hitler ordered me to report to him. I myself did not say, "I am now going to see Hitler," but I received an order to that effect from Hitler himself.

MR. JUSTICE JACKSON: And he did not send you to Hitler until he knew what you were going to report?

MILCH: No, he himself had . . .

MR. JUSTICE JACKSON: So he did know?

MILCH: He himself had no cognizance of the subject. He had no time to receive me.

MR. JUSTICE JACKSON: Göring had no time to receive you?

MILCH: No. Göring at that time had many other matters on hand and he did not want to hear about these things.

MR. JUSTICE JACKSON: So he left that to Hitler, who was not busy, I take it. Is that true?

MILCH: Hitler was interested in the matter.

MR. JUSTICE JACKSON: I think you told us in interrogations that Göring was not very industrious. Is that correct?

MILCH: I should be very reluctant to answer that question.

MR. JUSTICE JACKSON: Very well, I withdraw it. It was not a kindly question to begin with. When you found that Germany was going into a war which you, an informed officer, considered a disaster, did you resign?

MILCH: Resign? What from?

MR. JUSTICE JACKSON: Resign your commission as an officer or take any other steps to protest?

MILCH: No, that was absolutely impossible. There was an order which ruled it impossible.

MR. JUSTICE JACKSON: And who gave that order?

MILCH: Hitler himself.

MR. JUSTICE JACKSON: Now, you said you had experienced this yourself.

MILCH: Not only in my own case. The order applied generally.

MR. JUSTICE JACKSON: You said on Friday that you experienced it yourself, that you could not resign.

MILCH: No; one could not resign.

MR. JUSTICE JACKSON: Did you try it at any time?

MILCH: I frequently applied for my discharge in peacetime. My resignation, however, was not accepted, the reason given being that I had no right to ask for it, but that I would be told by higher authorities when I had to go. During the war I never applied for my discharge, because as a soldier in wartime I could not apply for it.

MR. JUSTICE JACKSON: Did you not have some talk with Göring at one time about retiring from your position, in which he not only forbade you to leave, but also told you there would be no use in feigning ill health?

MILCH: Yes. There was no possibility of giving this as the reason unless one was really ill. When retiring from a high position it had been customary in the past to plead ill health. Now this was no longer possible.

MR. JUSTICE JACKSON: And he did suggest to you in that discussion one way out, did he not?

MILCH: No, he did not suggest a way out, but I did.

MR. JUSTICE JACKSON: What did you suggest? What talk did you have about suicide? Did Göring tell you that the only way you could get out was to commit suicide?

MILCH: That would have been the only possible way out.

MR. JUSTICE JACKSON: Well, did Göring tell you that?

MILCH: No, I said that; not he.

MR. JUSTICE JACKSON: And he did not disagree with you, I take it.

MILCH: No. He did not care if I did or not.

MR. JUSTICE JACKSON: Now, you have the regulations with you, which you say were printed for the information of every soldier, about international law and regulations. You have them with you this morning?

MILCH: I have them with me; the regulations are contained in my service book, the same as for every soldier.

MR. JUSTICE JACKSON: You gave us a little information about that, but I would like you to get that out and give us exactly the text of those instructions or regulations, which you say reflect international law as you understood it.

MILCH: Do you want me to read it out now? The quotation . . .

MR. JUSTICE JACKSON: Not too fast.

MILCH: No.

"Ten Commandments for the Conduct of the German Soldier in War.

"1. The German soldier fights chivalrously for the victory of his people. Cruelty and needless destruction are unworthy of him.

"2. The fighter must wear a uniform, or else he must be provided with insignia visible from a good distance. Fighting in civilian clothes without such insignia is prohibited.

"3. No enemy once he has surrendered shall be killed, not even a partisan or a spy. The courts will administer the just punishment.

"4. Prisoners of war must not be maltreated or insulted. Weapons, plans and notes are to be taken from them. Apart from these, none of their possessions may be taken from them.

"5. Dum-dum bullets are prohibited. Bullets may not be transformed into dum-dum bullets.

"6. The Red Cross is inviolable. Wounded enemies must be treated humanely. Medical orderlies and chaplains must not be hindered in the performance of their medical and spiritual functions.

"7. The civilian population is inviolable. The soldier must not plunder or wantonly destroy. Historical monuments and buildings dedicated to religious service, art, science, or charity must be treated with special care. Personal services and services in kind shall only be required of the civilian population against compensation, and if ordered by the superior officer.

"8. Neutral territory must not be militarily involved by trespassing, by planes flying over it, or by gunfire.

"9. If a German soldier is captured, he must state his name and rank when questioned. Under no circumstances may he say to what unit he belongs, or speak about military, political, or economic conditions on the German side, neither may he allow himself to be induced to do so by threats or promises.

"10. Any contravention of these orders while on active service is punishable. Breaches by the enemy of the rules listed under 1 to 8 are to be reported. Reprisals are permissible only by order of the higher commanders."

MR. JUSTICE JACKSON: Now that, as you understand it, is the military law conforming with international law, which was promulgated for the governance of the troops in the field?

MILCH: Yes.

MR. JUSTICE JACKSON: And you understood, and it was generally understood in the German Army, that that was international law, was it not?

MILCH: Every soldier could not help knowing that these were the German regulations because they were pasted on the first sheet of the pay book, issued to every soldier, and which he had to carry on him. The common soldier, of course, did not know that they represented international law.

MR. JUSTICE JACKSON: The higher commanders, like yourself did, didn't they?

MILCH: Yes.

MR. JUSTICE JACKSON: That represented your understanding and interpretation of your duties and obligations as honorable men in combat?

MILCH: Yes.

MR. JUSTICE JACKSON: Now, did you participate in the activities of Hermann Göring in collecting the art treasures of France and other occupied territories?

MILCH: No.

MR. JUSTICE JACKSON: Did you participate in the removal of the civilian population for forced labor?

MILCH: No.

MR. JUSTICE JACKSON: You know that was done, do you not?

MILCH: I did not know that the workers who came from foreign countries had been deported; we were told that they had been recruited on a voluntary basis. In the case of France, I know that up to a certain date the French had wanted to come, but after that date they no longer wanted to come, and that the French Government itself had issued directives to deal with this.

MR. JUSTICE JACKSON: Aside from that, then, you did not know anything about involuntary or forced labor in Germany? Is that your testimony?

MILCH: No. I only knew that . . .

MR. JUSTICE JACKSON: Tell us what you did know about it and what you did about it.

MILCH: I knew that those people had been recruited and that they had come voluntarily. I knew that many of them were very satisfied, but as time went on and the German military situation deteriorated, discontent began to set in among these foreign workers, although, according to the information which reached my ears, only a small group was affected. I would add that in a general way, we ascribed this ill feeling to the fact that the food for these people was

not everything they could wish; consequently, sundry organizations, with Speer's ministry at the head, made efforts to improve their living conditions.

MR. JUSTICE JACKSON: You have not yet answered my question. Did you know that forced labor was being brought from occupied territories and compelled to work in German industry? Did you know it? Answer that "yes" or "no."

MILCH: I knew that only in the end Frenchmen were forced by their own French Government to come.

MR. JUSTICE JACKSON: Did you know that prisoners of war were forced to work in the airplane industry, and were actually forced to man guns? Did you know that?

MILCH: I did hear about it.

MR. JUSTICE JACKSON: And you heard about it from your fellow officers, did you not?

MILCH: At the moment I cannot say from whom I heard it. I believe there was a group which I think was called "Volunteers." As far as I know it was recruited on a voluntary basis from among those prisoners of war.

MR. JUSTICE JACKSON: And did you learn about—even if you did not participate in it—the plan for the collection of art treasures from the occupied countries?

MILCH: No. I knew nothing of this plan as it then existed. I first heard about it here in Nuremberg through some of the witnesses.

MR. JUSTICE JACKSON: Now I want to ask you some questions about certain exhibits; I refer to Document Number 343-PS, Exhibit USA-463. I will ask to have that exhibit shown to you.

[Document 343-PS was submitted to the witness.]

MILCH: These letters are signed by me and they are also written on my stationery. They must have been drafted by the Medical Inspection department. As I said a few days ago, I no longer remember the contents. I should only like to say that the answers were drafted in such a way as not to lead us, the Air Force, into any difficulties with Herr Himmler. For instance, I never read the statements made by Dr. Rascher and Dr. Romberg. They were read by the Medical Inspectorate. In this connection I acted, so to speak, as postman between the SS and our Medical Inspection department.

MR. JUSTICE JACKSON: When you testified, on interrogation, you had no recollection of these letters; but on Friday you testified that you made some alterations in one of them before it went out. Do you want to tell us what that alteration was?

MILCH: Yes, some of these letters were submitted to me during my interrogation and it was then that I first remembered it. The

changes which I made were merely a matter of courtesy in style, in view of Herr Himmler's extreme susceptibility. I do not think that either of these two letters contains the alteration; that, I believe, was in another letter.

MR. JUSTICE JACKSON: It was the other letter in which there was a change, Number 1607?

MILCH: I believe so, yes.

MR. JUSTICE JACKSON: Now, in your examination, your interrogation, you gave a reason why these were brought to you for signature instead of being signed by the bureau chiefs. Do you remember what that reason was?

MILCH: Yes. I had the impression that the Medical Inspector did not wish to address his refusal to Himmler because he was afraid; whereas Himmler had written to me because he always wrote only either to the Reich Marshal or to me, as he was unacquainted with the organization of the Luftwaffe in this particular sphere, for the Medical Inspector was not subordinate to me.

MR. JUSTICE JACKSON: Well, I understand from your interrogation that you gave as the reason why these letters were brought to you for signature, that your office was in fear of Himmler and did not want to take the responsibility of writing a letter to him, is that right?

MILCH: Not my office, but I think the Medical Inspection department did not wish to place themselves in an awkward position as concerns Himmler.

MR. JUSTICE JACKSON: And I think you also said that the officials of that department were afraid of the SS.

MILCH: That is what I wished to express.

MR. JUSTICE JACKSON: Were they engaged in any illegal conduct or any activity against the government?

MILCH: I did not understand that.

MR. JUSTICE JACKSON: Were those people who were afraid . . .

MILCH: Who? The Medical Inspection department? No.

MR. JUSTICE JACKSON: They were responsible officials doing their duty, as far as you know, is that right?

MILCH: Yes, Mr. Justice; but one must bear in mind the things which had come to pass during the war.

MR. JUSTICE JACKSON: That is exactly what I want you to think about and tell about. Why were these people, who were performing their duties in a government office, afraid of Himmler or afraid of the SS? Explain that situation to us.

MILCH: Not afraid of the SS as such, but of the secret police. It was not easy for any of us. We were all convinced that we were being constantly watched, no matter how high our rank. There was probably not a single person concerning whom a dossier was not kept, and many people were subsequently brought to trial as a result of these records. The ensuing difficulties did not affect only these people or other people or me personally; they included everybody right up to the Reich Marshal, who also was affected by them.

MR. JUSTICE JACKSON: So you mean that from the Reich Marshal right down to the humblest citizen, there was fear of Heinrich Himmler and his organization?

MILCH: Well, the degree of fear may have varied. It was perhaps not so great among those in the highest and in the lowest positions. But things were far more difficult in the intermediate grades, since it was quite clear that the intermediate grades criticized everything that occurred and these criticisms were not tolerated by the authorities at the top.

MR. JUSTICE JACKSON: I take it, from your testimony, that the reputation of the Gestapo was pretty well understood in Germany.

MILCH: Particularly so in the later war years. I could not say how far this feeling was justified, but at all events the feeling was there.

MR. JUSTICE JACKSON: Now, I think you also testified that some high military authorities did resign. I call your attention to your testimony in your interrogation by us about Von Fritsch and Beck. They resigned, didn't they?

MILCH: No, they did not resign. They were removed.

MR. JUSTICE JACKSON: They were thrown out, is that it?

MILCH: Yes. They were told they were no longer needed.

MR. JUSTICE JACKSON: I understood you to testify in your interrogation that even the generals did not dare utter an opinion after those two left.

MILCH: No, I never put it like that. I cannot remember what I said. I should be grateful if I could see the minutes.

MR. JUSTICE JACKSON: Well, I have them. I will ask you if you were not asked these questions and gave these answers:

> "Question: From your knowledge of discussions in army circles among the Air Force and the General Staff people whom you knew, could you form any opinion as to their attitude for the beginning of war? Would they share your view?"

The minutes show that you answered:

"All officers agreed with me unanimously. All the higher officers agreed with me. A long time ago, in 1937, I talked to Field Marshal Von Blomberg about the danger of a war because of the careless policy of our statesmen. At that time we feared that England or France would not tolerate that policy in the long run. On the 1st of November 1937, I had a long discussion with Von Blomberg about this matter, and he was of the same opinion."

MILCH: Yes, I remember.

MR. JUSTICE JACKSON: That is true? You were then asked this question:

"Is it true that after General Fritsch and General Beck left their offices, the positions in the Army were subordinated to the political personalities?"

MILCH: No, they had always been subordinate. The Army was always changed in this respect. The head of the State was at the same time the Supreme Commander.

MR. JUSTICE JACKSON: At the time you were interrogated, your answer was this:

"Yes, because Hitler took over personally the Supreme Command of the Army, the Navy, and the Air Force. That was the position that was held by Von Blomberg before. Blomberg was in a position to resist Hitler, and he had done so very often, and Hitler respected him and listened to his advice. Blomberg was the only elderly soldier who was clever enough to reconcile military and political questions. This resistance . . ."

MILCH: Yes, that was my conviction.

MR. JUSTICE JACKSON: *[Continuing.]* ". . . This resistance could not be kept up by the men around Hitler later on. They were too weak for that. That is probably why he chose them."

Is that true?

MILCH: That is my opinion.

MR. JUSTICE JACKSON: *[Continuing.]* "Question: Did the generals with whom you associated not feel, even before 1939, that the course of action which was being taken by Hitler would be likely to result in a war?

"Answer: Those who were able to think in foreign political terms, yes; but they had to be very cautious about it, because they could not utter any opinion; they dared not utter any opinion."

Is that right?

MILCH: Correct.

MR. JUSTICE JACKSON: And of what were the high generals in command of the Army afraid, that they did not utter an opinion?

MILCH: The generals would not have had a chance to report anything to Hitler.

MR. JUSTICE JACKSON: Who would have done anything about it? There were many generals and only one Hitler. Who was going to carry out any orders against them?

MILCH: It was just not possible. Hitler was so powerful that he just turned down other people's objections or else refused to listen to them at all.

MR. JUSTICE JACKSON: And Hitler had the SS, didn't he, and Himmler and Kaltenbrunner?

MILCH: Yes, he had them as well. In addition he had the entire Wehrmacht who had sworn an oath of allegiance to him.

MR. JUSTICE JACKSON: I think you said in your interrogation that after the 5th of March 1943, Hitler was no longer normal. Did you make that statement?

MILCH: I said that, in my opinion, the Hitler of the later years was not the Hitler of the early period from 1933 until the outbreak of war, and that after the campaign against France a change came over him. I formed this opinion, which was a purely private one, because what he did afterwards was diametrically opposed to what he had previously taught; and that I could not consider normal.

MR. JUSTICE JACKSON: And you want us to understand that Göring continued to act as second man in the Reich and to take the orders from an abnormal man from that period on? Is that your story?

MILCH: The abnormality was not such that one could say, "this man is out of his senses," or, "this man is insane"; it would not have to reach that stage. It often happens that abnormalities are such that they escape both the public and the nearest associates. I believe that a doctor would be better able to give information on that subject. I talked to medical men about it at the time.

MR. JUSTICE JACKSON: And it was their opinion that he was abnormal?

MILCH: That there was a possibility of abnormality was admitted by a doctor whom I knew well, personally.

MR. JUSTICE JACKSON: A doctor of repute in Germany?

MILCH: No, he is not very well known. He never told anybody else. It would not have been wise to do so.

MR. JUSTICE JACKSON: If he had, he would have been put in a concentration camp, I suppose?

MILCH: Or worse.

MR. JUSTICE JACKSON: And if you had expressed your opinion that he was abnormal, you probably would have been put there also, would you not?

MILCH: I would have been shot immediately.

MR. JUSTICE JACKSON: So you never dared to tell your superior, Göring, your opinion about Hitler?

MILCH: I only once had an opportunity of stating my views about the war to Hitler. That was the only time.

MR. JUSTICE JACKSON: You informed Göring of your opinion?

MILCH: I talked to Göring. What I have just mentioned was a conversation I had with Hitler.

MR. JUSTICE JACKSON: Well, you do not—I think you misunderstood me—you do not mean that you informed Hitler that you considered him abnormal; I am sure you do not mean that.

MILCH: No, I did not tell Göring that either.

MR. JUSTICE JACKSON: That is what I said. You knew, did you not, that Göring, who was your immediate superior, was issuing the anti-Jewish decrees of the Reich Government?

MILCH: No, I did not know that. As far as I know, they emanated from a different office, from . . .

MR. JUSTICE JACKSON: Didn't you know that the decrees which excluded Jews and half-Jews from holding posts were issued by Göring?

MILCH: No, I did not know that. As far as I know, these regulations emanated from the Ministry of the Interior, which also would have been the proper department to deal with them.

MR. JUSTICE JACKSON: As a matter of fact, did you not have to take certain proceedings to avoid the effect of those decrees yourself?

MILCH: No. I know what you mean. That was a question that had been cleared long ago.

MR. JUSTICE JACKSON: How long before that was it cleared?

MILCH: As far as I know, in 1933.

MR. JUSTICE JACKSON: 1933, just after the Nazis came to power?

MILCH: Yes.

MR. JUSTICE JACKSON: And at that time Göring had you—we will have no misunderstanding about this—Göring made you what you call a full Aryan; was that it?

MILCH: I do not think he made me one; I was one.

MR. JUSTICE JACKSON: Well, he had it established, let us say?

MILCH: He had helped me in clearing up this question, which was not clear.

MR. JUSTICE JACKSON: That is, your mother's husband was a Jew; is that correct?

MILCH: It was not said so.

MR. JUSTICE JACKSON: You had to demonstrate that none of your ancestry was Jewish; is that correct?

MILCH: Yes; everybody had to do that.

MR. JUSTICE JACKSON: And in your case that involved your father, your alleged father; is that correct?

MILCH: Yes.

MR. JUSTICE JACKSON: And you certainly were informed from the very beginning of the attitude of the Nazi Party to Jews, were you not?

MILCH: No, I was not informed. Everybody had to submit his papers, and the certificate of one of my grandparents could not be found.

MR. JUSTICE JACKSON: And you were never required to do that under the Weimar Republic?

MILCH: No, there was no such question at that time.

MR. JUSTICE JACKSON: And you knew that this whole question was raised by the Nazi Party, of which you became a member in 1933; in other words at about the time this happened. Is that right?

MILCH: I had applied for membership earlier, before this question came up.

MR. JUSTICE JACKSON: When did you apply for membership?

MILCH: I do not know exactly—I think in March or April.

MR. JUSTICE JACKSON: And you had to clear up this question before you could become a member; wasn't that the point?

MILCH: That had been cleared up in the meantime. I cannot say exactly when.

MR. JUSTICE JACKSON: In 1933 you became aware of the concentration camp, the first one?

MILCH: Yes, I believe in 1933 there was a public announcement about it.

MR. JUSTICE JACKSON: And later, as I understand you, you heard so many rumors about concentration camps, that you thought

the matter ought to be investigated; that you ought to go there and see?

MILCH: Yes.

MR. JUSTICE JACKSON: When was it that these rumors became so persistent that you thought the matter should be investigated?

MILCH: That must have been at the end of 1934 and in the spring of 1935, because, if I remember correctly, I was in Dachau in the spring of 1935.

MR. JUSTICE JACKSON: And those rumors persisted throughout the entire period until the collapse of Germany, didn't they?

MILCH: Those rumors which led me to ask to visit Dachau were really only current in the circle of the higher officers, who passed them on to me. I had little contact with other circles; I cannot say to what extent the thing was generally discussed.

MR. JUSTICE JACKSON: Well, among the higher officers with whom you associated, the rumor went about that these concentration camps were the scene of atrocities as early as 1935. I understood you to say that; am I correct?

MILCH: No, not exactly. I said there . . .

MR. JUSTICE JACKSON: Well, now you tell us what it was that you went to investigate.

MILCH: I was quite unable to conduct any investigation; all I could do was to see for myself—in order to dispel the many rumors—whether it was true that many people were shut up there who should not have been there at all, innocent people who were brought there for political reasons only. At that time there was much talk about many members of the so-called "Reaction" having been sent there. Some officers were very concerned about this, and I told them that I would go and see for myself to try to gain a personal insight.

MR. JUSTICE JACKSON: You did not need to go to Dachau to find that out, did you? You could have asked Göring; didn't you know that?

MILCH: To go where?

MR. JUSTICE JACKSON: Did you ever ask Göring who were these people who were sent there?

MILCH: No. I did not talk to Göring about that.

MR. JUSTICE JACKSON: Did you not know that Göring publicly said that political enemies of the regime were going to be sent there; that was what they were founded for; did you know that?

MILCH: I cannot say I ever heard that that had actually been said, but that was what I surmised at the time, and I wanted to see for myself.

MR. JUSTICE JACKSON: And you found nobody there except criminals?

MILCH: All that I was shown were people who had committed crimes or rather serious offenses. The only political prisoners I saw were people who had taken part in the Röhm Putsch. Whether there were others, I am unable to say, because I cannot swear that I saw the entire camp. But we saw all we asked to see. We said, "Now I would like to see this, or that," and the guide took us there.

MR. JUSTICE JACKSON: By whose authority did you get into the concentration camp for an examination?

MILCH: Himmler's.

MR. JUSTICE JACKSON: Who asked Himmler if you could go?

MILCH: I do not understand.

MR. JUSTICE JACKSON: Did Göring know that you were making the trip?

MILCH: I do not think so. I did not make a special trip. I had some business in southern Germany in my military capacity, and I set aside one morning for this purpose.

MR. JUSTICE JACKSON: There were people in the concentration camp who had to do with the Röhm Putsch, as you call it?

MILCH: Yes.

MR. JUSTICE JACKSON: How many were there who had to do with that?

MILCH: I cannot say exactly. As far as I remember now, I should say that altogether I saw about four or five hundred people.

MR. JUSTICE JACKSON: Four to five hundred people; and how many were killed?

MILCH: Well, I could not be too sure about this figure, there might easily have been 700. I estimate it at around that figure.

MR. JUSTICE JACKSON: How many people were killed in the Röhm Putsch?

MILCH: I can only give the figure which Hitler publicly stated in the Reichstag; I cannot say from memory. I may be right if I said the number ranged between 100 and 200.

MR. JUSTICE JACKSON: Now why were you so concerned about the concentration camps? Did you have any official responsibility for them?

MILCH: No, I had no responsibility whatsoever; but there was so much talk about them at the time that I decided I would find out for myself. I knew how many questions would be asked me,

and I would not be able to answer them, so I said I would go there and see for myself.

MR. JUSTICE JACKSON: Now, Germany had ordinary prisons for criminal prisoners, had she not?

MILCH: Of course.

MR. JUSTICE JACKSON: And those prisons had sufficed for a good many years to take care of the criminal population, had they not?

MILCH: I could not say what their purpose was.

MR. JUSTICE JACKSON: And the concentration camp was something new that came in after 1933?

MILCH: Yes. It is true I never heard of anything like that in Germany before.

MR. JUSTICE JACKSON: Did you see any Jews in the concentration camp when you inspected it?

MILCH: Yes; there was one hut which contained Jews, but they all were under heavy sentences for economic misdemeanors and crimes, such as forging documents, and so on. We passed right through, and each one told us, without even being asked, what his sentence was and the reason for it, and not one of them told us that he was there for political reasons. The only political prisoners were the SA men.

MR. JUSTICE JACKSON: You could not find a single prisoner there who claimed he was innocent of a crime?

MILCH: No; everyone with whom we spoke related his case.

MR. JUSTICE JACKSON: Who accompanied you on that trip?

MILCH: As far as I remember, General Weber, who at that time was Chief of the General Staff. I believe also General Udet and several other gentlemen. But at the moment I do not remember who they were.

MR. JUSTICE JACKSON: And who showed you through the concentration camp? Who guided you?

MILCH: I cannot recollect his name. It was one of the officials of the SD. I assume it was the commander of the camp himself, but I do not know his name.

MR. JUSTICE JACKSON: And who was running the concentration camp? What organization was in charge of it?

MILCH: I could not say, but I presume it was one of Himmler's offices.

MR. JUSTICE JACKSON: You have said that the march into the Rhineland was a great surprise to you?

MILCH: Yes.

MR. JUSTICE JACKSON: Where were you on your leave when this occurred?

MILCH: I was on winter leave in the mountains, abroad.

MR. JUSTICE JACKSON: In Norway?

MILCH: No, no.

MR. JUSTICE JACKSON: In which country?

MILCH: I was in the Alps; I believe it was Southern Tyrol, which, at that time, was Italy.

MR. JUSTICE JACKSON: Did you not hear of a meeting the minutes of which are in evidence here as Exhibit GB-160 (Document Number EC-405), concerning the Reich Defense Council meeting held on the 26th of June 1935, some nine months before the occupation of the Rhineland?

MILCH: I cannot say whether I was present. I can no longer remember.

MR. JUSTICE JACKSON: There were, according to the evidence, 24 members of the Wehrmacht and five members of the Luftwaffe present, as well as 24 State and Party officials. Were you one of those present at that conference at which this discussion took place?

MILCH: May I ask again for the date?

MR. JUSTICE JACKSON: The 26th of June 1935.

MILCH: I cannot remember. I do not know.

MR. JUSTICE JACKSON: Did you ever learn of that meeting?

MILCH: At the moment I really cannot remember. What is supposed to have been said at that meeting?

MR. JUSTICE JACKSON: That the preparations for the occupation of the Rhineland were to be kept secret, and the plan was made to invade the Rhineland. Did you never learn of that meeting?

MILCH: I cannot remember that. I do not think I was present.

MR. JUSTICE JACKSON: If your Honors please, the usual time for adjournment is here. I intend to take up a different subject involving some documents. It might be a convenient time to adjourn.

THE PRESIDENT: We will adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MR. JUSTICE JACKSON: I want to ask you some questions regarding your duties and activities on the Central Planning Board. You were a member of the Central Planning Board, were you not?

MILCH: Yes.

MR. JUSTICE JACKSON: And what was the period of your membership?

MILCH: From the beginning—I believe that was in the year 1941 or 1942—until the end.

MR. JUSTICE JACKSON: Members of that Board, in addition to yourself, were the Defendant Speer?

MILCH: Yes.

MR. JUSTICE JACKSON: The Defendant Funk?

MILCH: Yes, but only later.

MR. JUSTICE JACKSON: When did he come on the Board?

MILCH: At the moment when a large part of the civil production was turned over to the Speer Ministry, the Ministry for Armament.

MR. JUSTICE JACKSON: And Körner? Körner was a member of the Board?

MILCH: Körner? Yes.

MR. JUSTICE JACKSON: Who was Dr. Sauer?

MILCH: Sauer was an official in the Speer Ministry, but he did not belong to the Central Planning Board.

MR. JUSTICE JACKSON: But he did keep some of the minutes, did he not?

MILCH: No; I think he did not keep them.

MR. JUSTICE JACKSON: Sauckel frequently attended the meetings, did he not?

MILCH: Not frequently, but occasionally.

MR. JUSTICE JACKSON: What were the functions of the Central Planning Board?

MILCH: The distribution of raw materials to the various groups which held quotas, such as the Army, the Navy, the Air Force, and for civilian requirements for various branches such as industry, mining, industrial and private building, *et cetera.*

MR. JUSTICE JACKSON: And labor?

MILCH: Pardon me, labor? We did not have to distribute that.

MR. JUSTICE JACKSON: It had nothing to do with labor? Do I understand you correctly?

MILCH: We could make suggestions, but not the distribution.

MR. JUSTICE JACKSON: You mean by that, not the distribution amongst different industries which were competing to obtain labor?

MILCH: That was a point which concerned Armaments more than the Central Planning Board.

MR. JUSTICE JACKSON: Did you know that Speer turned over to the United States all of his personal papers and records, including the minutes of this Central Planning Board?

MILCH: I did not know that; I hear it now.

MR. JUSTICE JACKSON: I will ask that the minutes, volumes of minutes which constitute U.S. Document R-124, offered in evidence as French Exhibit Number RF-30, be made available for examination by the witness in the original German; I shall ask you some questions about it.

MILCH: Yes.

[Document R-124 was submitted to the witness.]

MR. JUSTICE JACKSON: If you will point out to the witness Page 1059, Line 22.

This, Witness, purports to be the minutes of Conference Number 21 of the Central Planning Board, held on the 30th of October 1942 at the Reich Ministry of Armament and Munitions, and the minutes show you to have been present. Do you recall being there at that meeting?

MILCH: In that one sentence, I cannot see it, but I can well assume it. Yes. I see here in the minutes that my name is frequently mentioned.

MR. JUSTICE JACKSON: Now, I call your attention—Page 1059, Line 22—to the following entry and ask you if this refreshes your recollection about the functions of that Board:

> "Speer: The question of slackers is another point to be dealt with. Ley has ascertained that the number of people reporting sick decreased to one-fourth or one-fifth where there are factory doctors and the workers are examined by them. SS and Police could go ahead with the job and put those known as slackers into undertakings run by concentration camps. There is no other choice. Let it happen a few times, and the news will go round."

Were you not concerned with the discussion of the labor situation in that conference, and does that not refresh your recollection as to the dealing with the labor question?

MILCH: I do recall that the question of slackers as a whole was discussed. It was rather a question of slackers, workers, people, who while not normally employed in peacetime, as a result of the total mobilization of manpower, were compelled to work during the war. Among these people, who did not belong to the ranks of the workers, I repeat that there were some slackers who upset the good spirit of the workers. It was those people we had in mind.

MR. JUSTICE JACKSON: Those were to be sent to concentration camps, as you know?

MILCH: Yes, I was told that. But no decision was arrived at. Moreover, it was not for us to send anybody to a concentration camp.

MR. JUSTICE JACKSON: Well, was it not said that there was nothing to be said against the SS taking them over? You knew that the SS was running the concentration camps, did you not?

MILCH: Yes, of course.

MR. JUSTICE JACKSON: And, therefore, you knew that turning them over to the SS and sending them to the concentration camps was a means of forcing them to produce more goods, was it not?

MILCH: Yes, of course, these people should be forced to do so. They were Germans who refused to do their duty to their country.

MR. JUSTICE JACKSON: Did this apply only to Germans?

MILCH: As far as I know this applied to Germans only. By slackers—they were also called casual workers—was meant only those people who went from place to place, who practically every week changed their job and who were reported to us mainly by the representatives of our own workers. Our own workers complained that these people availed themselves of all privileges as to food, *et cetera,* while they did not do anything, that they always gave up their jobs soon, and that every establishment was glad to get rid of them.

MR. JUSTICE JACKSON: And got rid of them by sending them to the concentration camps under the SS?

MILCH: They had to be taught, and we were told that if these people had their additional—not their basic—rations made dependent on their output, as was the case in the concentration camps, they would very quickly learn.

I do, however, remember that it was proposed to limit this treatment to 2 or 3 months, after which they would be brought back, and if they had learned their lesson they would be given full freedom again.

MR. JUSTICE JACKSON: Now, did you have anything to do on the Central Planning Board with the work of prisoners of war?

MILCH: No; I do not think so.

MR. JUSTICE JACKSON: Well, I ask that you be shown the 22d conference of the Central Planning Board minutes of the meeting held on the 2d of November 1942, Page 1042, at Line 24, which quotes you. The English translation is on Page 27.

I ask you to refresh your recollection by reading this paragraph.

"Milch: I think that agriculture must get its labor quota. Assuming that we had given agriculture 100,000 more workers, we would now have 100,000 more people who would be decently fed, whereas, the human material we are now receiving, particularly the prisoners of war, are not sufficiently fit for work."

Did you make that statement?

MILCH: I cannot remember details. But I suppose I did. I do not know if I have seen these minutes; but I know that we dealt with the question that agriculture, if possible, should get its workers because the food problem was so very important, and the farms could feed their people over and above the rations which the civilian population received. This proposal to put these people on the land was quite in accordance with my views, but these were merely suggestions by the Central Planning Board. I know Sauckel was present at that meeting. We also made suggestions to the armament representatives as to how their problems could be solved.

MR. JUSTICE JACKSON: And you made recommendations to the Reich Marshal, did you not?

MILCH: I cannot remember having done so, I do not know.

MR. JUSTICE JACKSON: You never did?

MILCH: I do not know, I cannot remember.

MR. JUSTICE JACKSON: Then you knew the Reich Marshal's wishes in reference to the utilization of prisoners of war, did you not?

MILCH: That prisoners of war were also working was known to me. Especially on the land many prisoners of war were put to work.

MR. JUSTICE JACKSON: Did you attend a meeting between the Führer and Minister Speer?

MILCH: On which date?

MR. JUSTICE JACKSON: The 5th of March 1944.

MILCH: The 4th of March?

MR. JUSTICE JACKSON: The 5th of March 1944.

MILCH: On the 5th of March, yes, I attended a meeting with the Führer. At that time there was a question of creating a "fighter"

staff, that is, a general effort by the entire armament industry to produce as many fighter planes as possible.

MR. JUSTICE JACKSON: Well, now I will ask that you be shown Speer's memorandum of that meeting with the Führer at which General Bodenschatz and Colonel Von Below were also present. Were they not?

The English translation is on Page 35; the German on Page 139.

I call your attention to this paragraph:

"I told the Führer of the Reich Marshal's wish to utilize the producing capacity of prisoners of war further by placing the Stalag under the SS, with the exception of the English and Americans. The Führer approves this proposal and has asked Colonel Von Below to take the necessary steps."

I ask you how the SS could increase the production of the prisoners of war; what steps you expected to be taken?

Now, just answer my question. What steps did you expect the SS to take to increase the production of the prisoners of war?

MILCH: I cannot remember now. At any rate at that time we did not know what was being done by the SS—about their methods as we now know them.

MR. JUSTICE JACKSON: This was in March of 1944.

MILCH: Yes.

MR. JUSTICE JACKSON: Well, you have no knowledge of the methods by which the SS would be able to speed up production by prisoners of war. That is the way you want that to stand?

MILCH: No, that is not the way I want it to stand. I have to think this point over for a moment. I believe the point was whether or not prisoners of war should be made available. It was not a question of prisoners of war working for the SS, but of their being made available for work. That, I take it was the point.

MR. JUSTICE JACKSON: Put at the disposal of the SS, you mean?

Well, let us go on to the 33d Conference by the Central Planning Board, held on the 16th of February 1943, at which Speer and Sauckel among others appear to have been present. The English translation is on Page 28; the German, Pages 2276 to 2307. There was at this meeting, to summarize, considerable discussion of the labor situation, first a report from Schreiber, and then Timm gave a general account of the labor situation, and I call your attention to your contribution on Page 2298 at the top.

MILCH: Yes, I have just read it.

MR. JUSTICE JACKSON: It is as follows:

"Milch: We have demanded that in the anti-aircraft artillery a certain percentage of personnel should consist of Russians. Fifty thousand in all should be brought in. Thirty thousand are already employed as gunners. This is an amusing thing, that Russians must work the guns . . ."

What was amusing about making the Russian prisoners of war work the guns?

MILCH: The words "We have demanded," do not mean the Central Planning Board, but that Hitler made this demand.

MR. JUSTICE JACKSON: "We" means Hitler?

MILCH: Yes, the German Government. And I myself find it strange that prisoners of war should be made to shoot at planes of their allies. We did not like it because it meant that these men could no longer work for us. We were opposed to their being used in the anti-aircraft artillery.

MR. JUSTICE JACKSON: You said: "This is an amusing thing that the Russians must work the guns."

What was amusing about it?

MILCH: What is meant by amusing? . . . peculiar, strange, I cannot say, however, whether this word was actually used. I have not seen the minutes.

MR. JUSTICE JACKSON: Now, I call your attention to the rest of your contribution.

". . . 20,000 are still needed. Yesterday I received a letter from the Army High Command, stating: We cannot release any more men, we have not enough ourselves. Thus there is no prospect for us."

Whom does "for us" refer to, if not to your industry requirements?

MILCH: I consider these minutes incorrect, it has never been discussed in this manner, it must be wrong. I cannot accept the minutes as they stand. To clarify this matter I may say that the proposal was to take people out of the armament industry and put them into anti-aircraft defense. We who were concerned with armament did not want to release these men and were opposed to it. That was the idea of the whole thing, and the OKH declared that they did not have enough people.

MR. JUSTICE JACKSON: I understand the sense of this to be that you applied for certain workmen for the armament industry and that the Army High Command refused to give you the men, saying that they are already employed making guns and on other work. Now, is that the sense of that, or is it not?

MILCH: No, not quite.

MR. JUSTICE JACKSON: Now, just tell me what the sense of it is.

MILCH: As far as I remember, the armament industry was to release 50,000 Russian prisoners of war to the Air Force for anti-aircraft defense, and the armament industry could not spare these people.

THE PRESIDENT: I am afraid we must adjourn due to some technical difficulty.

[A recess was taken.]

THE PRESIDENT: Mr. Justice Jackson, it may be convenient to you to know that we are going to rise at 4:30 today.

MR. JUSTICE JACKSON: I hope to have finished before.

[Turning to the witness.] I will ask to have your attention called to Page 2297, in the English translation about Page 28, to your contribution, which reads as follows:

"Milch: There is of course a front also somewhere in the East. This front will be held for a certain time. The only useful thing the Russians will find in an area evacuated by us, is people. The question is whether the people should not generally be taken back as far as 100 kilometers behind the front line. The whole civilian population goes 100 kilometers behind the front."

Do you find that?

MILCH: Yes, I have found it.

MR. JUSTICE JACKSON: And I understood you this morning to state that it was a rule promulgated in your book that the civilian population should not be interfered with.

MILCH: From the last paragraph, according to which people were no longer to be employed on digging trenches, it appears that these people were last employed on this work. I cannot say what kind of people these were, only that they were already employed somewhere.

MR. JUSTICE JACKSON: And you knew that. You knew that they were being used for that kind of work?

MILCH: So it says here. I do not remember it any more. It has been recorded in the minutes, provided they are correct.

MR. JUSTICE JACKSON: And you knew they were being used, the civilian population was being forced to dig trenches for your troops.

MILCH: Today I cannot remember any more, but at that time it was discussed according to the minutes.

MR. JUSTICE JACKSON: Now, I will ask to have your attention called to the minutes of Conference Number 11 of the Central Planning Board, held on 22d of July 1942; German, Page 3062; English translation, 38.

First let me call your attention to the fact that at that meeting it appears that among those present were Speer, yourself, Körner. Did Körner represent the Reich Marshal?

MILCH: Yes, for the Four Year Plan; he was the representative for the Four Year Plan.

MR. JUSTICE JACKSON: At all meetings of this Board, Körner represented the Reich Marshal did he not?

MILCH: Yes. He represented him as regards the Four Year Plan.

MR. JUSTICE JACKSON: And Sauckel was present, and representatives from the Iron Association, the Coal Association, and the Ministry for Armament and Munitions.

MILCH: Yes.

MR. JUSTICE JACKSON: There was considerable discussion of the labor problem, and the requirements of those industries. On Page 3062 I call your attention to this entry:

"General Field Marshal Milch undertakes to accelerate the procuring of the Russian prisoners of war from the camps."

I ask you what measures you expected to take to accelerate procuring prisoners of war from the camps.

MILCH: As I was a soldier I undertook to submit this question to the OKW, which was in charge of prisoners of war.

MR. JUSTICE JACKSON: You did not personally deal with the prisoners of war, but you undertook to obtain them from the OKW?

MILCH: The government had put these prisoners of war at our disposal for work. The transfer was very slow, and as we had to deal with the OKW in this matter, I was asked and I undertook to request the OKW to speed up the transfer.

MR. JUSTICE JACKSON: Now let us turn to Conference Number 36, dated 22d of April 1943; the English translation, Page 13; German, 2125. There again I call your attention to the fact that Speer, yourself, Sauckel, and Körner were among those present. There again you discussed the labor problem, did you not?

MILCH: Yes.

MR. JUSTICE JACKSON: And Körner reported as follows:

"On 1 April agriculture was still in need of about 600,000 workers. To cover this, labor from the East, mainly women,

should be brought in. This labor must be supplied before we take other workers away from agriculture. We are now approaching a very busy season in work on the land which requires many workers,"—and considerably more, which I will not take the time to quote.

I call your attention to Page 2128, your contribution to that discussion, which reads as follows:

"If you do what I proposed and what has also been agreed to by Timm, no harm can be done. It should definitely be done. Moreover, I am also of the opinion that in any circumstances we have to bring in workers for coal mining. The bulk of the labor we are going to receive from the East, will be women. The women from the East are, however, accustomed to agricultural work, particularly to the kind of work which will have to be done during the next few weeks, that is, hoeing and planting of root crops, *et cetera*. We can use women quite well for this. Only one thing has to be kept in mind—agriculture must get the women before the men are taken away. It would be wrong to take men away and to leave the farmers without labor for 4 to 6 weeks. If the women come after that, it will be too late."

I ask you how many women were transported to agriculture as a result of this conference?

MILCH: As a result of this conference none at all, as only suggestions were put forward by us for an arrangement between industry and agriculture to procure the necessary labor for the former. Without the necessary labor in the coal-mining industry the war could not be carried on. Therefore labor had to be found, and in this respect a suggestion was made for an exchange, namely, to replace men engaged in agriculture by women, who, of course, could not be put to work in the mines.

MR. JUSTICE JACKSON: To whom did you make these suggestions? You say they were not decisions but just suggestions.

MILCH: No. The suggestions were made to representatives of the Ministry of Labor or to the Office for the Allocation of Labor. I see Timm is mentioned. He was one of the higher officials in this ministry.

MR. JUSTICE JACKSON: And Sauckel?

MILCH: I do not know whether Sauckel attended that conference. I see only Timm's name.

MR. JUSTICE JACKSON: It appears from the minutes that he was there; but whether he was or not, you made suggestions to

Sauckel as to the needs for labor, did you not, and called upon him to supply them?

MILCH: Yes; it was necessary to get workers for coal mining. New workers could not be found, thus there was no alternative but to make an exchange.

MR. JUSTICE JACKSON: We understand you. You will save a great deal of our time if you will just answer the questions.

Now I call your attention to Conference Number 54 of the Central Planning Board, held on 1 March 1944; English translation Page 1, German Page 1762. At this conference I remind you that it appears that Sauckel, Milch, Schreiber, and Körner were among those present. It was held at the Air Ministry and you discussed the desirability of draining off young men from France so that they would not be available to act as partisans in case there was an invasion by the Allies of French territory.

Do you recall such a meeting?

MILCH: I cannot remember details. In the course of other interrogations here in Nuremberg and in England I already stated that it is impossible to remember in detail all these matters, which were heaped upon us, especially as my memory has suffered through heavy blows on the head received at the time of my capture.

MR. JUSTICE JACKSON: It will help you if you will refer to Page 1799, opposite the name "Milch" and read the entry, as follows:

"Milch: If landings take place in France and more or less succeed, we will have in France a partisan uprising, such as we never had in the Balkans or in the East, not because the people are particularly able to carry it through, but because we allow them to do so by failing to deal with them in the right manner. Four entire age groups have grown up in France, men between 18 and 23, that is, of an age when young people, for patriotic reasons or because they have been stirred up, are prepared to do anything to satisfy personal hatred—and it is only natural that they do hate us. These young men should have been registered according to age groups and brought to us, as they constitute the greatest danger in the event of a landing.

"I am firmly convinced, and have said so several times, that if and when the invasion starts, acts of sabotage to railways, works, and supply bases will be a daily occurrence. The Wehrmacht, however, will then no longer be able to deal with this internal situation, as it will have to fight at the front and will have in its rear a very dangerous enemy who will threaten supplies, *et cetera.* If severe executive

measures had been taken, all would have been as quiet as the grave behind the front at a time when things were about to happen. I have drawn attention to this several times, but I am afraid nothing is being done. When we have to start shooting these people, it will already be too late. We shall no longer have the men to polish off the partisans."

You then go on to state that you think the Army should handle the executive action required in rounding up these people. Does that refresh your recollection?

MILCH: Yes, that was roughly what I meant to say, but I cannot say whether I used these very words. In this life and death struggle of our country we had to make sure that we were not suddenly stabbed in the back by a secret army, as unfortunately happened later on.

MR. JUSTICE JACKSON: And you proposed to eliminate the population behind the lines insofar as they might constitute a menace to your operations in this invasion?

MILCH: No, it was proposed to send these people at the right time to work in Germany, as had been promised by the French Government. That was my view. It was necessary that these people should come to work in Germany, as the French Government had promised in its agreement with the German Government, instead of allowing these people to join the Maquis and commit sabotage, which would necessitate shootings as a countermeasure.

MR. JUSTICE JACKSON: You did not confine your use of forced labor to your enemies; it was also applied against your own allies, was it not? For example turn to Page 1814, and did you not contribute to this discussion?

"Milch: Would not the S-factories"—that is, protected factories—"be better protected if we handle the whole problem of feeding the Italians and tell them: 'You will get your food only if you work in S-factories or come to Germany.' "

MILCH: That was after a part of Italy had broken away, and it applied to Italian soldiers who had declared themselves against Mussolini. These people remained behind the front, did not want to work, and committed sabotage against the German Armed Forces. Thus it was proposed to say to these people, "You will have your food and everything else provided, but you will have to work somewhere, either in Italy in the iron ore mines, or in Germany."

MR. JUSTICE JACKSON: I think you said in your direct examination, or perhaps earlier in your cross-examination, that you did not know about any forced labor from occupied territory, you had no knowledge of that. Is that still your statement?

MILCH: I did not quite understand that. Forced labor?

MR. JUSTICE JACKSON: Forced labor, yes.

MILCH: Yes.

MR. JUSTICE JACKSON: You did not know about it?

MILCH: These people were prisoners of war, Italians, who were at our disposal for work according to an agreement with the Italian Government which we had recognized. Mussolini had expressly put these men at our disposal for this purpose.

MR. JUSTICE JACKSON: Excuse me for interrupting you, but let us not bother with Mussolini here. I ask you whether you still stand by the statement you made earlier, as I recall it, that you did not know of any forced labor brought in from the occupied countries to Germany. Is that your statement, or is it not?

MILCH: Insofar as they were free workers and free people, I still maintain this. My point is that these were people who had been placed at our disposal, and, Mr. Justice, as far as we are concerned, at the time this was said there was still an Italian Government, though this fact is forgotten today; but at that time it still existed.

MR. JUSTICE JACKSON: I ask that your attention be brought to Page 1827 of the minutes of this meeting at which you were present, and where the discussion you just admitted took place; and I call your attention to the line opposite the name "Sauckel," from which it appears that Sauckel then reported: "Out of the 5 million foreign workers who arrived in Germany, not even 200,000 came voluntarily."

MILCH: No, I cannot remember that at all.

MR. JUSTICE JACKSON: You do not have any recollection of that? All right.

MILCH: No, I have no recollection of that.

MR. JUSTICE JACKSON: Well, we will go on then to Conference Number 23 of the Central Planning Board, held the 3rd of November 1942. It is the English translation, Page 27. The German text is on Page 1024, in which it appears that you were present at and participated in the discussion, and I call your attention to Page 1024, Line 10, to these entries of the stenographic minutes:

"Speer: Well, under the pretext of industry we could deceive the French into believing that we would release all prisoners of war who are rollers and smelters if they give us the names.

"Rohland: We have installed our own office in Paris. I see, you mean the French should give the names of the smelters who are prisoners of war in Germany?

"Milch: I would simply say, you get two men in exchange for one.

"Speer: The French firms know exactly which prisoners of war are smelters. Unofficially, you should create the impression that they would be released. They give us the names and then we get them out. Have a try.

"Rohland: That is an idea."

Now, your contribution was to want two men in place of one; is that right?

MILCH: Yes; that is to say, two people from another trade for one of these particular skilled workers. In what straits we were, you can see from...

MR. JUSTICE JACKSON: That was your entire objective?

MILCH: The entire purpose was to get these people and to give them others in exchange.

MR. JUSTICE JACKSON: Now, let us take up Conference Number 53 of the Planning Board, held the 16th of February 1944; English translation, Page 26, and the German from Page 1851 on. You will find yourself included among those who were present and it was at the Reich Air Ministry that it was held. I first call your attention to the entry on Page 1863, the words opposite "Milch":

"The armament industry employs foreign workers in large numbers; according to the latest figures, 40%. The latest allocations from the Plenipotentiary General for the Allocation of Labor are mostly foreigners and we had to give up many German workers in the recruitment drive. Particularly the aircraft industry, which is a young industry, employs a great many young men who should be called up. This will, however, be very difficult, as those working for experimental stations cannot be touched. In mass production, the foreign workers preponderate and in some instances represent 95 percent and even more; 88 percent of the workers engaged in the production of our newest engines are Russian prisoners of war and the 12 percent are German men and women. On the Ju-52, which are now regarded as transport planes only, and the monthly production of which is from 50 to 60 machines, only six to eight German workers are engaged; the rest are Ukrainian women who have lowered the record of production of skilled workers."

Do you recall that?

MILCH: Yes, I can remember that distinctly.

MR. JUSTICE JACKSON: And on Page 1873, you come forward with this suggestion:

"Milch: The list of slackers should be handed to Himmler. He will make them work all right. This is of a great general educational importance, and has also a deterrent effect on others who would also like to shirk."

MILCH: Yes, this applies again to the slackers in agriculture as I mentioned this morning.

MR. JUSTICE JACKSON: Among foreign workers, was it not?

MILCH: No; these were Englishmen, the slackers.

MR. JUSTICE JACKSON: Englishmen are foreigners in Germany, are they not? I do not know what you mean, they were not foreigners. They were Englishmen.

MILCH: Englishmen never worked for us. So they cannot have been Englishmen.

MR. JUSTICE JACKSON: What were they? You say they were all German.

MILCH: What we understood as slackers were those people who were compelled to work during the war, Germans who normally were not regular workers, but were forcibly made to work during the war.

MR. JUSTICE JACKSON: We will get to that in a minute. First, I want to ask you how Himmler was going to make them work. What did Himmler do, what methods did Himmler use? Why were you making proposals to Himmler in this matter?

MILCH: Because Himmler at a meeting had stated that as regards supplementary rations—the worker in Germany had the same basic rations as the rest of the population, and apart from this he received quite considerable additions which in the case of those doing the heaviest work were several times the normal basic rations. The general routine was that these rations were issued by food offices, irrespective of where and how the individual was working. The suggestion was made by Himmler that these additions should be made dependent upon the output of the workers. This was possible in the case of those workers who came from concentration camps, *et cetera,* and were under Himmler. This procedure could not be applied to free workers; hence the proposal to bring to reason those who sabotaged work in their own country, by issuing additional rations, as laid down for their type of work, only in proportion to their output.

MR. JUSTICE JACKSON: You know the difference between labor camps and concentration camps, do you not?

MILCH: Yes, of course.

MR. JUSTICE JACKSON: And these people who were doing work in these industries were kept mainly in the work camps,

were they not, in which their rations were controlled without Himmler's hands being in it at all?

MILCH: No; the German workers were not kept in labor camps but they lived at home and, therefore, received their additional rations from the local food offices. I want to stress again that it was the German workers themselves who asked that measures be taken—the factory foremen, who were infuriated to see that people who did not do anything, who let their country down in times of stress, received more rations than ordinary civilians.

MR. JUSTICE JACKSON: You still say that all you are talking about were German and never foreign workers. Now, be clear about that.

MILCH: By slackers I meant German workers; in my opinion, only these were in question.

MR. JUSTICE JACKSON: I ask that your attention be called to Page 1913: This is your contribution at that point:

"Milch: It is therefore quite impossible to utilize every foreigner fully unless we make them do piecework and are in a position to take measures against foreigners who are not doing their bit."

Do you find that entry?

MILCH: Yes.

MR. JUSTICE JACKSON: And then you proceed to complain that:

"If a foreman lays his hands on a prisoner of war and boxes his ears, there is at once a terrible row; the man is put in prison, and so on. There are many officials in Germany who consider it their first duty to stand up for other men's human rights instead of looking after war production. I, too, am for human rights, but if a Frenchman says, 'You fellows will be hanged and the works manager will be the first to have his head cut off' and then if the boss says, 'I'll give him one for that,' then he is in for it. Nobody sides with the manager, but only with the 'poor devil' who said that to him."

Did you report that to the meeting?

MILCH: That may well be the case.

MR. JUSTICE JACKSON: What did you suggest?

MILCH: I can remember cases where foreign workers threatened and even assaulted their German foreman, and when he defended himself action was taken against him. I did not think it right.

MR. JUSTICE JACKSON: Now, you provided your own remedy, did you not? In the next line you say:

"I told my engineers, 'If you do not hit a man like this, then I shall punish you. The more you do in this respect, the more I shall think of you; I shall see to it that nothing happens to you.' This has not yet gone round. I cannot talk to every works manager individually. But I should like to see some one try to stop me, as I can deal with anyone who tries it."

Do you find that?

MILCH: I cannot remember the exact words but I stick to the point that it was an impossible situation for a prisoner or foreign worker to be able to say to his German foreman, "We will cut your throat," and the foreman . . .

MR. JUSTICE JACKSON: Well, do you mean to say that if a prisoner of war attempted or threatened to cut his employer's throat, that German officers would stand up for him as against the employer? You do not mean that, do you?

[There was no response.]

MR. JUSTICE JACKSON: Well, we will go on:

"If the small works manager"—I am still quoting from you—"does that, he is put into a concentration camp . . ."

Do you find that?

MILCH: Yes, I see it here.

MR. JUSTICE JACKSON:

". . . and runs the risk of having his prisoners of war taken from him."

Now, I am still quoting you and I want you to find the entry.

"In one case, two Russian officers took off with an airplane but crashed. I ordered that these two men be hanged at once. They were hanged or shot yesterday. I left that to the SS. I wanted them to be hanged in the factory for the others to see."

Do you find that?

MILCH: I have found it, and I can only say I have never had anybody hanged nor have I even given such an order. I could not possibly have said such a thing. I had nothing to do with this question. Neither do I know of any instance where two Russian officers tried to escape by plane.

MR. JUSTICE JACKSON: Is there anything else you would like to say with reference to that entry?

MILCH: No. I have nothing to say. I do not know anything about it and I also do not believe I ever said it.

MR. JUSTICE JACKSON: That is all that I have at the present time.

MR. G. D. ROBERTS (Leading Counsel for the United Kingdom): Witness, I have some questions on behalf of the British Delegation. My first point is this: You said on Friday that, beginning in 1935, an air force was built up in Germany for defensive purposes. Do you remember that?

MILCH: Yes; 1935.

MR. ROBERTS: And do you say that it remained on a defensive basis up to December 1939?

MILCH: Yes.

MR. ROBERTS: You do. I want you to listen to three pieces of evidence—speeches made by your chief, the Defendant Göring. I am quoting from the shorthand notes of the 8th of January, in the afternoon, on Page 2306. In May 1935, Göring said:

"I intend to create a Luftwaffe which, if the hour should strike, will burst upon the foe like an avenging host. The enemy must feel that he has lost even before he has started fighting."

Does that sound like a defensive air force?

MILCH: No, that does not sound like it; but one has to distinguish between words and deeds.

MR. ROBERTS: I shall come to the deeds in a moment.

[Laughter.]

THE PRESIDENT: If there is any more of this laughter, the Court will have to be cleared.

MR. ROBERTS: On the 8th of July 1938 Göring, addressing a number of German aircraft manufacturers, said:

"War with Czechoslovakia is imminent; the German Air Force is already superior to the English Air Force. If Germany wins the war, she will be the greatest power in the world; she will dominate the world markets, and Germany will be a rich nation. To attain this goal risks must be taken."

Does that sound like a defensive German Air Force? Does it?

MILCH: No, that certainly does not sound like it. I should like to be allowed to say something to that, when you have finished.

MR. ROBERTS: Please limit yourself, if you can, in the interest of time, to answering my question, which is very short. Now may I read you one further piece of evidence; the speech made by Göring on 14 October 1938, that is less than a month after the Munich Pact.

"Hitler has ordered me to organize a gigantic armament program, which would make all previous achievements appear

insignificant. I have been ordered to build as rapidly as possible an air force five times as large as the present one."

Does that sound like an air force for defensive purposes?

MILCH: This air force would have taken many years to build.

MR. ROBERTS: I suggest to you that your evidence on that point was grossly incorrect. I now want to come to my second point. You were present at the conference of chiefs of the services in the Chancellery on 23 May 1939?

MILCH: What was the date please?

MR. ROBERTS: I would like you to see the document, which is L-79. You did see it on Friday, I think.

MILCH: On 23 May, was it not?

MR. ROBERTS: Yes, that is right. I just want to remind you who else was present. There were the Führer, Göring, Raeder, Von Brauchitsch, Keitel, yourself, Halder, General Bodenschatz, Warlimont—was Warlimont the deputy for Jodl?

MILCH: I cannot say for whom he was there.

MR. ROBERTS: Very well—and others; I will not mention the names. Now, Witness, those were leaders of the German Armed Forces?

MILCH: May I say, as far as I can remember Field Marshal Göring was not present. I cannot remember.

MR. ROBERTS: He is down there as being present. You think he was not there?

MILCH: Yes. I cannot remember, but to my recollection I was sent there at the last moment to represent him.

MR. ROBERTS: Well, then, apart from Göring, if he was not there, those were mostly the leaders of the German forces, is that right?

MILCH: Yes. It was the Commander-in-Chief of the Army and the Commander-in-Chief of the Navy, and the OKW, yes.

MR. ROBERTS: Would you describe them, from your knowledge of them, as men of honor?

MILCH: Yes.

MR. ROBERTS: Is it one of the qualities of a man of honor that he keeps his word?

MILCH: Yes.

MR. ROBERTS: You knew, of course, did you not, that Germany had pledged her word to respect the neutrality of Belgium, of the Netherlands, and Luxembourg?

MILCH: I suppose so, but I did not know the various agreements.

MR. ROBERTS: Did you not know that less than a month before that meeting, namely on the 28th of April, Hitler in the Reichstag gave an assurance of his respect for the neutrality of a large number of countries, European countries, including the three I have mentioned? Did you not know that as a matter of history?

MILCH: I suppose so, yes.

MR. ROBERTS: We have seen the film, you know, in this Court, of that very occurrence with the Defendant Göring presiding as President of the Reichstag while that assurance was given.

MILCH: I have not seen the film. I do not know the film.

MR. ROBERTS: Yes. It is a German newsreel. Do you remember that at that conference Hitler said these words, which are well known to the Tribunal:

"The Dutch and Belgian air bases must be occupied by the Armed Forces. Declarations of neutrality must be ignored.... An effort must be made to deal the enemy a heavy or decisive final blow right at the start. Considerations of right or wrong, or treaties, do not enter into the matter."

Do you remember those words being said?

MILCH: I cannot remember exactly what the words were. I know that it was a question of the Polish Corridor and Danzig, that in this connection Hitler explained what complications might follow in the West, and what he intended to do about it; but what he said in detail I can no longer remember.

MR. ROBERTS: Was any protest made by any of these honorable men at the breach of Germany's pledged word?

MILCH: During this meeting it was impossible for anyone present to speak at all. Hitler addressed us from his desk, and after the speech he left the room. A discussion did not take place; he did not allow it.

MR. ROBERTS: You say it is impossible for an honorable man to protect his honor, Witness?

MILCH: I cannot remember Hitler's actual words shown here.

MR. ROBERTS: Can you give the Tribunal your opinion of it?

MILCH: At this meeting I did not have the impression that Hitler said anything contrary to the obligations entered into. That I cannot remember.

MR. ROBERTS: Are you now saying that those minutes are wrong?

MILCH: No, I cannot say that either. I can only say I have no recollection of the exact words used. Whether the minutes are

completely correct I do not know either. As far as I know they were recorded subsequently by one of the adjutants present.

MR. ROBERTS: Because we know that is exactly what Germany did 12 months after, when she broke her pledged word to Belgium, to the Netherlands, and Luxembourg, and brought misery and death to millions. You know that now, do you not?

MILCH: That I know, yes; but as soldiers we had nothing to do with the political side. We were not asked about that.

MR. ROBERTS: Do you call the honoring of . . .

DR. RUDOLPH DIX (Counsel for the Defendant Schacht): I do not speak now for the Defendant Schacht, but for the entire Defense. I ask the Tribunal that the witness be questioned about facts, and not about his opinion as to moral standards.

THE PRESIDENT: He is being asked about facts.

MR. ROBERTS: You have just said that you know now—we know, that 12 months later Germany did violate the neutrality of Belgium, the Netherlands, and Luxembourg.

MILCH: But we do not know what the reasons were for this, and what other obligations these countries might have entered into. It was not a job of the soldiers to judge this.

MR. ROBERTS: Was it not a job of the soldier to object if he was asked to break his country's word?

MILCH: I fully agree with you, if a soldier breaks his word in matters which are his province and where he has a say as a soldier. As regards matters quite outside his province, which he cannot judge and about which he knows nothing, he cannot be made responsible and called to account.

MR. ROBERTS: You can only speak for your own knowledge. Are you saying that you did not know that your country was pledged to observe the neutrality of these three small countries?

MILCH: That I have read in the Reichstag speech. But I did not know how the other side had reacted to that promise. It was not known to me, and it could easily be that the other side did not at all want this protection, or this promise, or this guarantee. The soldier could not judge this at all; only the political authorities could know this.

MR. ROBERTS: Well, we perhaps will have to ask that of the soldiers in the High Command, who are now in the dock, when they get in the witness box. But I put it to you it must have been common knowledge in Germany that Hitler was giving guarantees and assurances to all these smaller countries?

MILCH: Hitler proposed and offered many things. He offered limitations of armaments for all countries; he offered not to use bombers; but in these cases also his proposals were not accepted. Therefore the political authorities alone could know what they should and could demand from their soldiers. The only duty of a soldier is to obey.

MR. ROBERTS: Will you please answer my question. That was not an answer at all to my question. We know the facts now, Witness, from the documents, from your own German documents. I want to test your knowledge and your ideas of honor. Did you not think it grossly dishonorable to give a pledge on 28 April, and to make secret resolution to break it on 23 May?

MILCH: You are right, if the situation had not changed in any way, and that I cannot judge.

MR. ROBERTS: You must have your own code of honor, even though you are in the service. You know, of course, that the neutrality of Norway was violated?

MILCH: Yes, according to our knowledge and in our opinion it was violated twice.

MR. ROBERTS: Do you know that on the 12th and 13th of March 1940 Jodl was putting in his diary, "The Führer is still looking for a pretext" to give out to the world for an invasion of Norway? Do you know that?

MILCH: I do not know this diary and this entry.

MR. ROBERTS: You took an active part in the invasion of Norway, did you not?

MILCH: A few days after the invasion started I was in command of the air force up there for a short time.

MR. ROBERTS: You had actually a command in Norway?

MILCH: Yes.

DR. JAHRREISS: I think it necessary to clear up a point which apparently concerns a misunderstanding by the interpreter. I have just heard that a diary entry by the Defendant Jodl has been wrongly translated back into German. The German text says "nach einer Begründung," that is "for a justification." I also believe the word "justification" is in the English translation. It should not have been interpreted as "Ausrede," that would be "prétexte" in French and that is something quite different.

MR. ROBERTS: Whatever it reads in the translation, Witness, would you agree that according to the entry in the diary, the Führer was still looking for it, whether it was a reason or an excuse?

Now I want to ask you only one more question on this side of the case.

You know that Belgrade was bombed in, I think, April 1941?

MILCH: I heard about that from the Army report at the time.

MR. ROBERTS: Without any declaration of war, or any warning to the civilian population at all, you heard that?

MILCH: That I do not know, no.

MR. ROBERTS: Did you not discuss it with Göring?

MILCH: The attack on Belgrade? No; I cannot remember.

MR. ROBERTS: Did not even he express regret, shall we say, regarding the large-scale bombing of a large capital without even one hour warning to the civilian population?

MILCH: I do not know. I cannot remember any such conversation.

MR. ROBERTS: That is murder, is it not?

[There was no response.]

MR. ROBERTS: Perhaps you would rather not answer that question?

MILCH: I cannot answer "yes" or "no," because I know nothing of the circumstances of the attack. I do not know whether war had been declared; I do not know whether a warning had been given. Neither do I know whether Belgrade was a fortress, nor which targets were attacked in Belgrade. I know of so many bombing attacks about which the same questions could be asked in the same manner.

MR. ROBERTS: I asked the question, Witness, because we had the use of the document in front of us, and knew that it was Hitler's order that Belgrade was to be suddenly destroyed by waves of bombers, without any ultimatum, or any diplomatic arguments, or negotiations at all. Would I put that question if I had not known of the document? Let me turn to something else.

MILCH: May I say I have heard of this document only today because you quoted it.

MR. ROBERTS: I want to put to you now an incident with regard to the Camp Stalag Luft III at Sagan. Do you know about what I am talking?

MILCH: Yes, I know about that now.

MR. ROBERTS: Do you know that on 24 and 25 March 1944 about 80 air force officers, British and Dominion, with some others, escaped from the Stalag Luft III Camp?

MILCH: I know about this from the British interrogation camp in which I was kept, where the whole case was posted up on the wall.

MR. ROBERTS: We will come to that in a moment. Do you know that of those 80, 50 were shot?

MILCH: Yes.

MR. ROBERTS: In various parts of Germany and the occupied countries from Danzig to Saarbrücken; you have heard of that?

MILCH: I heard that about 50 were shot, but did not know where.

MR. ROBERTS: Have you heard that quite unusually the bodies were never seen again, but that urns said to contain their ashes were brought back to the camp; you heard of that?

MILCH: I heard of it in the camp where I was kept, from Mr. Anthony Eden's speech in the House of Commons.

MR. ROBERTS: You heard that although these officers were reported by your Government as having been shot while offering resistance or trying to escape, yet not one was wounded, and all 50 were shot dead.

MILCH: At first I heard only the official report in Germany, that these officers had been shot while resisting or trying to escape. We did not believe this version, and there was a lot of discussion about this without precise knowledge. We were afraid that these men might have been murdered.

MR. ROBERTS: You were afraid that murder had been committed. It does appear likely, does it not?

MILCH: We got that impression, as the various details we heard could not be pieced together.

MR. ROBERTS: It is quite clear that if that was murder, the order for that murder would have to come from a high level, is it not?

MILCH: Certainly. I heard further details about this from the Inspector General for Prisoners of War, General Westhoff, while both of us were in captivity in England.

MR. ROBERTS: Now, I want to ask you, first of all, about the Prisoner-of-War Organization. Was the Prisoner-of-War Organization a department of the OKW?

MILCH: In my opinion, yes.

MR. ROBERTS: Which was called KGW, Kriegsgefangenenwesen?

MILCH: I cannot say anything about its organization, because I do not know. I only knew that there was a chief of the Kriegsgefangenenwesen with the OKW.

MR. ROBERTS: And was the chief of the Kriegsgefangenenwesen at that time Major General Von Graevenitz?

MILCH: Von Graevenitz, yes.

MR. ROBERTS: This was an air force camp? Stalag Luft III was an air force camp?

MILCH: Yes. So it was called, but I understand that all prisoners were under the OKW. That is what I thought. I cannot, however, state this definitely because I did not know much about that organization.

MR. ROBERTS: Was the directorate for supervising the air force camps, or the inspectorate, rather, called Inspectorate Number 17?

MILCH: There was an inspectorate, which as its name indicated had to deal with supervision. What it had to do and what were its tasks, I cannot say. Whether it was just for interrogation, I do not know.

MR. ROBERTS: Was the head of that Major General Grosch?

MILCH: I cannot say, it is possible, I know the name but not whether he held that post.

MR. ROBERTS: And the second in command, Colonel Waelde?

MILCH: Not known to me.

MR. ROBERTS: You were Number 2 in the Air Force at the Air Ministry in March 1944, were you not?

MILCH: There were several Number 2 people at that time. I held the same rank as the chief of the general staff, the chief of the personnel office, and the chief of technical armament, who were independent of me and on the same level. As to seniority, I ranked as second officer in the Air Force.

MR. ROBERTS: Was there a conference in Berlin on the morning of Saturday, the 25th of March, about this escape?

MILCH: I cannot remember.

MR. ROBERTS: Did not Göring speak to you about that conference?

MILCH: I have no recollection.

MR. ROBERTS: Did Göring never tell you that there was a conference between Hitler, Himmler, himself, and Keitel on that Saturday morning?

MILCH: No. I do not know anything about that. I do not remember.

MR. ROBERTS: At which the order for the murder of these recaptured prisoners of war was given?

MILCH: I cannot remember. According to what I heard later, the circumstances were entirely different. I had information about this from the previously mentioned General Westhoff and also from General Bodenschatz.

MR. ROBERTS: General Westhoff we are going to see here as a witness. He has made a statement about the matter saying...

MILCH: I beg your pardon. I could not hear you just now. The German is coming through very faintly. I can hear you, but not the German transmission.

MR. ROBERTS: General Westhoff...

MILCH: Yes.

MR. ROBERTS: ...has made a statement...

MILCH: Yes.

MR. ROBERTS: ...and we are going to see him as a witness.

MILCH: Yes.

MR. ROBERTS: So perhaps I had better not put his statement to you, because he is going to give evidence. Perhaps that would be fairer from the point of view of the Defense. But are you suggesting that action against these officers, if they were murdered—to use your words—having escaped from an air force camp, that action could have been taken without the knowledge of Göring?

MILCH: I consider it quite possible in view of the great confusion existing in the highest circles at that time.

MR. ROBERTS: High confusion in March 1944?

MILCH: All through there was terrible confusion.

MR. ROBERTS: But it is quite clear...

MILCH: Hitler interfered in all matters, and himself gave orders over the heads of the chiefs of the Wehrmacht.

MR. ROBERTS: But did you never discuss this matter with Göring at all?

MILCH: No. I cannot remember ever speaking to Göring about this question.

MR. ROBERTS: Do you not think this is a matter which reflects shame on the Armed Forces of Germany?

MILCH: Yes; that is a great shame.

MR. ROBERTS: Yet Göring never spoke to you about it at all? Did you ever speak to Keitel?

MILCH: I could not say. During that time I hardly ever saw Göring.

MR. ROBERTS: Did you ever speak to Keitel about it?

MILCH: No, never. I saw even less of Keitel than of Göring.

MR. ROBERTS: Was there not a General Foster or Foerster at the Air Ministry?

MILCH: Yes, there was.

MR. ROBERTS: General Foerster?

MILCH: Yes.

MR. ROBERTS: Was he director of operations?

MILCH: No. He was chief of the Luftwehr. As such he had to deal with replacements of personnel and he worked with the departments concerned, with the General Staff, and also the Reich Marshal. During the war he was also in charge of civil aviation, and in that capacity he worked together with me, but during the war it was a very small job . . .

MR. ROBERTS: I was going to ask you, did he ever mention this shooting to you?

MILCH: I have been asked that before, but try as I may I cannot remember. It is possible that in the course of conversation he may have told me that officers had been shot, but whether he did so, and in what way, under what circumstances, I cannot recollect. I did not receive an official report from him; I had no right to ask for one either.

MR. ROBERTS: If Foerster told you, did you ever report it to Göring?

MILCH: I cannot remember a conversation with Foerster about it: I do not think I spoke to him. He did not give me a report either, which I should have had to pass on to Göring. Such a report would have been given by him to Göring direct, through quite different channels and much quicker.

MR. ROBERTS: Did you take any steps to prevent this shooting from being carried out?

MILCH: When I first heard about it it was not clear to me what had actually happened. But even if it had been clear, it was evident from what Westhoff told me that it would unfortunately have been too late.

MR. ROBERTS: Why too late?

MILCH: Because Westhoff was the first officer to have knowledge of it. When he was informed he was told that the order had already been carried out. I may say that General Westhoff made this statement and will confirm it.

MR. ROBERTS: Very well, you never went to Göring at all in the matter, as you say.

MILCH: I do not know anything about it.

MR. ROBERTS: Now I am going to deal further with three short points. With regard to the use of labor for the armament industry, Mr. Justice Jackson has asked you questions on that. Was labor from concentration camps used?

MILCH: Yes.

MR. ROBERTS: Would you just look at Document Number 1584-PS: That is shorthand note 1357, 12 December, in the afternoon.

Is that a teletype from Göring to Himmler, dated 14 February 1944? There are various code numbers; then, to Reichsführer SS—that was Himmler, Reichsminister Himmler. Who actually sent that teletype? It is signed by Göring, but he would not be dealing with questions of labor, would he?

MILCH: I could not say, I could not say from whom it originated.

MR. ROBERTS: That was a subject with which you dealt, was it not, the provision of labor for air armament?

MILCH: Only while I had to do with air armament did I send demands for labor to the respective offices. But this telegram did not come from my office.

MR. ROBERTS: If it did not come from your office, whose office did it come from?

MILCH: It deals with various matters, there is first the question of another squadron.

MR. ROBERTS: Please answer the question, whose office did it come from?

MILCH: I cannot say that off-hand.

MR. ROBERTS: Very well.

MILCH: I do not know.

MR. ROBERTS: Second sentence: "At the same time I request that a substantial number of concentration camp prisoners be put at my disposal for air armament, as this kind of labor has proved to be very useful." You had frequently used concentration camp labor, had you?

MILCH: Latterly, yes. May I ask, is the teletype dated the 15th and what is the month?

MR. ROBERTS: Yes, I told you, Witness, 14 February 1944. It is on the top.

MILCH: Yes, I could not read it here.

MR. ROBERTS: No, I quite understand. And did Himmler respond by providing you with 90,000 further concentration camp prisoners? I refer to Document 1584-PS, Number 3, dated 9 March 1944. It is to the "Most Honored Reich Marshal" from Heinrich Himmler. It says: "At present approximately 36,000 prisoners are employed for the Air Force. It is proposed to bring the number up to 90,000."

Then he refers in the last paragraph: "The transfer of aircraft manufacturing plants underground requires a further 100,000 prisoners."

Now, those were concentration camp internees, Witness?

MILCH: Yes; I see that from the letter.

MR. ROBERTS: You said you were almost ignorant of the conditions in concentration camps?

MILCH: No; I do not know anything about that.

MR. ROBERTS: You have not seen the films taken when the camps were captured?

MILCH: No.

MR. ROBERTS: The grim contrast—just wait a moment—the grim contrast between the plump and well-fed guards and civilians and the skeletons of the internees?

MILCH: I have not seen the film, but I saw photographs when I was in England.

MR. ROBERTS: Did you close your eyes deliberately to what was going on in Germany?

MILCH: No, it was not possible for us to see it.

MR. ROBERTS: You, in your position, could not know what was going on?

MILCH: It was absolutely impossible.

MR. ROBERTS: Now then, I just want to deal very shortly with a matter upon which Mr. Justice Jackson touched, but he did not read the letter. That is the question of the experiments for the purpose of Air Force research. I am anxious to refer to as few documents as possible, but I can give the reference.

Do you know that on 15 May 1941, and the reference is shorthand note 1848, Document Number 1602-PS, that Dr. Rascher wrote to Himmler?

MILCH: I did not know him. I think I mentioned that during my interrogation.

MR. ROBERTS: He had very dangerous experiments to make for which no human being would volunteer. Monkeys were not suitable, so he asked for human subjects which Himmler at once provided—said he would be glad to provide human subjects for the experiment. Now, that was in 1941. Did you know that was taking place?

MILCH: No, I did not know anything about that.

MR. ROBERTS: Now, Rascher was . . .

MILCH: I did not know Rascher personally.

MR. ROBERTS: He was a doctor on the staff of the Air Force.

THE PRESIDENT: But, Mr. Roberts, this is not a letter to this witness, is it?

MR. ROBERTS: My Lord, I am leading up to it. The next letter is a letter signed by this witness. That was preliminary. Perhaps I had better come to the letter which he signed now; I am much obliged.

I want to put to you now Document Number 343-PS, and I also want to put to you, if the officer in charge of the documents would be so good, I want to put to you Document Number 607-PS.

THE PRESIDENT: Mr. Roberts, he has already been cross-examined upon this letter, has he not?

MR. ROBERTS: I did not think the letter was read or was dealt with sufficiently. I believe Your Lordship thinks it was.

THE PRESIDENT: The letter was put to him. I do not know whether it was actually read.

MR. ROBERTS: I shall be guided by the Court entirely. I know the matter was touched upon. I felt perhaps the letter should be read but I may be quite wrong.

THE PRESIDENT: I am told it was not read but the two letters were put to him.

MR. ROBERTS: I agree. If Your Lordship would be good enough to bear with me for a very few minutes I can perhaps deal with the matters I think should be dealt with.

[Turning to the witness.] You will see that on the 20th of May 1942—this is your letter to "Wolffy," is it not, that is Obergruppenführer Wolff, and that is signed by you is it not?

MILCH: Yes, I signed it. That is the letter which, as I said this morning was submitted to me by the Medical Inspection department and from which it appears that we wanted to dissociate ourselves from the whole business as politely as possible.

MR. ROBERTS: The point of the letter is, if I may summarize it, that you say: "In reference to your telegram of 12 May our Medical Inspection department..."

THE PRESIDENT: Mr. Roberts, if I remember right, when these letters were put to the witness he said he had not read them; that he signed them without reading them.

MR. ROBERTS: Well, My Lord, perhaps I had better leave the matter if Your Lordship thinks I am going over ground which has been trodden too often.

[Turning to the witness.] Are you asking this Tribunal to believe that you signed these two letters to Wolff, who was liaison officer, was he not, between—who was Wolff?

MILCH: No, Wolff was not liaison officer, he was Himmler's adjutant. He sent a telegram to us, apparently for the attention of

the Medical Inspection department. The Medical Inspection department replied via my office because for some reason or other it did not appear expedient to reply direct. I stated in my interrogations that these letters, though signed by me, were not dictated in my office, but that for this reply from the Medical Inspection department my stationery was used as was customary. I had nothing to do either with our high altitude experiments or with the Medical Inspection department, nor was I in any way connected with experiments by the SS.

MR. ROBERTS: Did you know that these pressure chamber experiments were being carried out with human bodies, human souls, provided by Dachau?

MILCH: On whom they were made appears from the letter submitted to me by the Medical Inspection department. In the Air Force we made many experiments with our own medical officers who volunteered for it; and as we did it with our own people we considered it to be our own affair. We, therefore, did not want any experiments by the SS; we were not interested in them. We had for a very long time experimented with our own people. We did not need the SS, who interfered in a matter which did not concern them; and we could never understand why the SS meddled with this matter.

MR. ROBERTS: Did not Himmler write you a letter—the reference is shorthand note 1852—in November 1942, that is Document Number 1617-PS, in which he says: "Dear Milch: . . . both high pressure and cold water experiments have been carried out. . . ." and that he, Himmler, provided asocial persons and criminals from concentration camps? Do you remember that letter?

MILCH: This letter was shown to me but I cannot remember this letter either. I do not know why Himmler wrote to me at all. These letters were always passed on direct by my office, without my seeing them, to the respective offices of the Medical Inspection department and replied to via my office. I was not in a position to do anything in this respect because I did not know what it was all about, nor had I any idea of the medical aspect.

MR. ROBERTS: If you say you know nothing about letters which you signed I cannot carry the matter any further.

Now I want to deal with the last point.

MILCH: During the course of the day I had to sign several hundred letters and I could not know what they dealt with in detail. In this particular case it was a question for a specialist and I merely signed in order to relieve the Medical Inspector of responsibility who, for the reason mentioned this morning, did not want to sign himself.

MR. ROBERTS: Very well, I am leaving that point.

Now then, the last point. You said on Friday that a German general has been executed for looting jewelry. Where did the looting take place?

MILCH: I cannot say that. I seem to recollect that it was in Belgrade. The name of the general is General Wafer, this I still remember.

MR. ROBERTS: It was jewelry looted from Belgrade?

MILCH: That I cannot say. I know only what I said on Friday.

MR. ROBERTS: So the German authorities regarded the death penalty as a suitable one for looting; apparently that is right.

MILCH: I could not hear the question.

MR. ROBERTS: Well, perhaps it was a comment. I will ask you the next question. What was the value of the jewelry which was looted?

MILCH: I can say only that I do not know how it was stolen, or what was stolen, or how valuable it was; but only that it was said to be jewelry which he had appropriated and that he was sentenced to death.

MR. ROBERTS: Did Göring ever speak to you about his art collection he was getting from occupied countries?

MILCH: I do not know anything about that.

MR. ROBERTS: May I read you a piece of evidence, shorthand note 2317, and it is an order of Göring signed on the 5th of November 1940.

"Göring to the Chief of the Military Administration in Paris and to the Einsatzstab Rosenberg:

"To dispose of the art objects brought to the Louvre in the following order of priority:

"First, those art objects . . ."

THE PRESIDENT: Mr. Roberts, he has never seen this document and he says he knows nothing about it.

MR. ROBERTS: If your Lordship please, if you do not think I should put it to him . . .

[Turning to the witness.] You say Göring never discussed with you his art collection?

MILCH: No.

MR. ROBERTS: Did you not know that valuable art objects, according to an inventory over 21,000 objects, were taken from the western occupied countries?

MILCH: No; that is not known to me.

MR. ROBERTS: What ought the general who looted the jewelry, perhaps from Belgrade, to have done with it? Given it to the Führer, or given it to Göring?

MILCH: I ask to be excused from answering this question.

GEN. RUDENKO: Will you please tell me when you heard of Hitler's plan to go to war with the Soviet Union? In January 1941?

MILCH: As I said on Friday, I heard in January from Reich Marshal Göring that Hitler had told him he expected there would be an attack on Russia. Then for several months I heard nothing more about the whole thing, until by chance I found out from a subordinate that war with Russia was imminent and preparations for the clothing of the troops were being made.

GEN. RUDENKO: Did you know about Case Barbarossa?

MILCH: I had heard the name, and I heard the plan expounded at a Führer conference with the commanders of the various army groups and armies 1 or 2 days before the attack.

GEN. RUDENKO: And when did this take place—1, 2 days before the invasion?

MILCH: I will let you know the exact date in a minute.

GEN. RUDENKO: Please do.

MILCH: On 14 June. That is about eight days before the attack which took place on the 22d.

GEN. RUDENKO: And before that, you had neither heard of, nor seen this plan?

MILCH: I say that I had probably heard the name Barbarossa before.

GEN. RUDENKO: And how long before?

MILCH: That I cannot say, because during the months of January, February, March, and also in April I was outside Germany and I did not return until May. I was in Africa, Greece, Yugoslavia, and the West.

GEN. RUDENKO: I am interested in the period when you were in the High Command of the German Air Force. Were you in Germany in December and January?

MILCH: In December 1940.

GEN. RUDENKO: So?

MILCH: Only part of December as during that month I was in France and also in Italy.

GEN. RUDENKO: And where were you in January 1941?

MILCH: I was in the West, and as far as I remember not one day in Germany.

GEN. RUDENKO: But you just told us that in January 1941 you had a talk with Göring about the plan of war against the Soviet Union.

MILCH: Yes, I...

GEN. RUDENKO: In January 1941?

MILCH: Yes, on 13 January, but I cannot say now whether I spoke to Göring in France, or whether it was over the telephone, or whether I was in Germany for a day or two. That I cannot say, I did not make a note of it.

GEN. RUDENKO: Excuse me; what has a telephone conversation to do with an attack on the Soviet Union?

MILCH: Not an attack on Russia, but an attack by Russia on Germany was mentioned at that time, and we had...

GEN. RUDENKO: You mean to say you discussed over the telephone the question of an attack by the Soviet Union on Germany?

MILCH: No, I have not stated anything like that, but I said I do not know whether I received the information on a special line which could not be tapped, or whether the Reich Marshal told me about it in France, or whether on that particular day I was in Germany.

GEN. RUDENKO: And when did you discuss this question with Göring, and when did Göring express his apprehension as to this war against the Soviet Union?

MILCH: That was on 22 May.

GEN. RUDENKO: The 22nd of May 1941?

MILCH: 1941, yes.

GEN. RUDENKO: And where was this question discussed?

MILCH: In Veldenstein near Nuremberg.

GEN. RUDENKO: Did you discuss this question with Göring alone, or was anybody else present at this conversation?

MILCH: At that time only with Göring. We were alone.

GEN. RUDENKO: And you assert that Göring did not wish to go to war with Russia?

MILCH: That was my impression.

GEN. RUDENKO: So. And why did Göring not want this war against the Soviet Union? This was a defensive war, was it not?

MILCH: Göring was opposed to such a war, because he wanted, all of us did...

GEN. RUDENKO: He was opposed also to a defensive war?

MILCH: He personally was against any war.

GEN. RUDENKO: That is strange. Maybe you will be able to give me precise reasons why Göring did not wish war against the Soviet Union.

MILCH: Because a war on two fronts, especially a war against Russia, as I saw it, meant losing the war; and I believe that many fighting men and others thought as I did.

GEN. RUDENKO: So you too were opposed to a war against the Soviet Union?

MILCH: Yes, most definitely so.

GEN. RUDENKO: Strange. Your statements are not very consistent. On the one hand, you say that the Soviet Union was going to attack Germany, and on the other hand that German officers did not want a war with the Soviet Union.

MILCH: May I explain again. On 13 January Göring told me that Hitler had the impression that Russia intended to march against Germany. That was not Göring's opinion, neither was it mine. I assume it was Hitler's opinion which he had expressed as his own.

GEN. RUDENKO: Excuse me. Do I understand that neither you nor Göring thought this opinion of Hitler's to be correct?

MILCH: I can only speak for myself. I often expressed it as my view that Russia would not go against us. What Göring thought about it I could not say. He did not talk to me about it. You should ask him.

GEN. RUDENKO: Yes, and now I shall ask you. You mean to say that you personally did not share Hitler's opinion? And you mean that Göring, too, did not want a war against the Soviet Union?

MILCH: On 22 May, when I spoke to Göring about this matter and urgently requested him to do everything to prevent a war with Russia, he told me that he had used the same arguments with Hitler but that it was impossible to get Hitler to change his mind; he had made his decision and no power on earth could influence him.

GEN. RUDENKO: I see. You mean that Göring was opposed to a war with the Soviet Union, because he thought it impracticable while you were at war with England, and he wanted to prevent war on two fronts?

MILCH: From a purely military point of view, yes; and I believe that if war had been avoided at that time it would not have come about later.

GEN. RUDENKO: And you seriously maintain that it is possible to talk about a preventive war so far ahead, and at the same time to work out Case Barbarossa and all the directives to implement it, as well as gaining allies for the attack on Russia? Do you seriously believe in the preventive character of such a war?

MILCH: I do not understand the meaning of the question.

GEN. RUDENKO: Do you think one could make known that the Soviet Union was going to attack Germany, and at the same time work out an aggressive plan against the Soviet Union, and this as early as December 1940, as appears from the dates of the official documents?

MILCH: As I understand it, Hitler, expecting an attack by Russia —if he really expected it—said that he had to meet a Russian invasion by a preventive war. This, however, has nothing to do with the opinion for which I have been asked here. Speaking for myself, I did not unreservedly hold the view that Russia would invade us. Without being able to judge the situation as a whole, I personally believed that Russia in her own interest, which I tried to visualize, would not do this.

GEN. RUDENKO: I understand. I should like to put a few questions to you with regard to the prisoners of war. The employment of prisoners of war, especially from the Soviet Union, on work in the aircraft industry has already been mentioned here.

MILCH: Yes.

GEN. RUDENKO: What is your attitude to employing prisoners of war on work against their own country? What do you think of that?

MILCH: It is, of course, not a nice thing to do; but as far as I know it was also done to our prisoners of war by all the other countries.

GEN. RUDENKO: I am talking of Germany now. You say it is not a nice thing. Is not that a rather mild way of putting it?

MILCH: It depends upon what the others do. All laws of warfare are based on reciprocity, as long as there is any reciprocity.

GEN. RUDENKO: I should like you to answer my question. What was the German High Command's attitude to this kind of employment? Do you consider that by this employment the regulations of international law were being violated?

MILCH: That is a moot point which even now is not clear to me. I only know that orders were given to employ them, and to use these men, as well as women, in the struggle for our existence.

GEN. RUDENKO: Do you consider this to be a legitimate order?

MILCH: I cannot judge that; that depends upon conditions and, as I said, upon reciprocity.

DR. LATERNSER: Mr. President, I ask to have this question and answer stricken from the record. The witness has been asked to give a legal opinion, and it is not for him to do so; since the question is not admissible, the answer too should be stricken.

THE PRESIDENT: General Rudenko?

GEN. RUDENKO: I should like to say I did not realize that the witness did not know whether or not this was a violation of international law. I had every reason to believe that the witness was competent to answer this question, the more so as at the beginning of his statement today, and on Friday, he mentioned the ten rules of the soldier, which he said must not be broken as they were based on international law. I thought, therefore, the witness to be competent to answer the question concerning the use of prisoners of war by the Luftwaffe against their own country. If the Tribunal considers this question to be inadmissible, I will of course withdraw it.

THE PRESIDENT: The question might have been framed differently, as to whether it was not a breach of the rules set out in the soldiers' pay book. However, as to international law, that is one of the matters which the Tribunal has got to decide, and upon that, of course, we do not wish the evidence of witnesses.

GEN. RUDENKO: Yes. I still have two questions to put to this witness.

THE PRESIDENT: We wanted to rise at half-past 4. If it is your intention to ask some more questions, perhaps we had better rise now, or, have you finished?

GEN. RUDENKO: We had better call a recess now, because I may still have a few questions to put to this witness.

[The Tribunal adjourned until 12 March 1946 at 1000 hours.]

SEVENTY-NINTH DAY

Tuesday, 12 March 1946

Morning Session

THE PRESIDENT: General Rudenko, have you concluded your interrogation?

GEN. RUDENKO: Yes.

THE PRESIDENT: Does the French Prosecution wish to ask any questions?

Dr. Stahmer, do you wish to examine further?

DR. STAHMER: No, Sir.

THE PRESIDENT: Then the witness can retire.

[The witness left the stand.]

DR. STAHMER: I call the next witness, Colonel of the Luftwaffe, Bernd von Brauchitsch.

[The witness Von Brauchitsch took the stand.]

THE PRESIDENT: What is your name?

BERND VON BRAUCHITSCH (Witness): Bernd von Brauchitsch.

THE PRESIDENT: Will you repeat the oath after me. I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHMER: Witness, what position did you hold on the staff of the Commander-in-Chief of the Luftwaffe?

VON BRAUCHITSCH: I was the first military adjutant of the Commander-in-Chief of the Luftwaffe. I held the rank of chief adjutant. I had the job of making the daily arrangements as ordered by the Commander-in-Chief and working out the adjutants' duty roster. The military position had to be reported daily; military reports and messages only to the extent that they were not communicated by the offices themselves. I had no command function.

DR. STAHMER: In the course of your work did you know that on 25 March 1944 from the prison camp of Sagan, Stalag Luft III, 75 English Air Force officers had escaped?

VON BRAUCHITSCH: I knew of this as a special event, as at that time it was reported that a number of air force officers had escaped.

DR. STAHMER: Can you give us some information about the fate of these officers after their escape?

VON BRAUCHITSCH: The fate of these officers is not known to me.

DR. STAHMER: Were you not ever informed that 50 of these officers were shot ostensibly while trying to escape?

VON BRAUCHITSCH: I heard only much later that a number of these officers were said to have been shot.

DR. STAHMER: Can you tell us under what circumstances these shootings were carried out?

VON BRAUCHITSCH: I do not know anything about that.

DR. STAHMER: Did Reich Marshal Göring order the shooting, or did he have any part in these measures?

VON BRAUCHITSCH: I know nothing about the Reich Marshal having taken part or given an order in this matter.

DR. STAHMER: Do you know of the attitude of Hitler with regard to the treatment of so-called terror-fliers who were shot down?

VON BRAUCHITSCH: In the spring of 1944 the number of civilian air-raid casualties by machine-gunning increased suddenly. These attacks were directed against civilians working in the fields; against secondary railroads and stations without any military importance; against pedestrians and cyclists, all within the homeland. This must have been the reason for Hitler giving not only defense orders, but also orders for measures against the fliers themselves. As far as I know, Hitler favored the most drastic measures. Lynching was said to be countenanced.

DR. STAHMER: What was the attitude of the Reich Marshal of the Luftwaffe to this order?

VON BRAUCHITSCH: The Commander-in-Chief and the Chief of the General Staff expressed their opinion that a most serious view must be taken of these attacks, which were directed solely against civilians. Notwithstanding, no special measure should be taken against these airmen. The suggestion that those who bailed out should be lynched and not afforded protection could not be agreed with. In view of Hitler's instructions, the Luftwaffe was forced to deal with these questions. They endeavored to prevent these ideas of Hitler, of which they disapproved, from being put into practice. The solution was to pretend that measures would be taken which, however, were not actually carried out.

Then I was given the task, which was outside my competence, of conferring with the High Command of the Armed Forces about the definition of the term "terror-fliers." All those cases which constituted violations of international law and criminal acts were the subject of subsequent discussions and correspondence. These definitions were meant to prevent lynching. The lengthy correspondence also shows the endeavors of the office to put the matter off. At the end of June 1944, the term "terror-fliers" was defined. The Stalag was instructed to report all cases of violation, but not to take any action. Thus we avoided giving an order of the character Hitler had wanted.

DR. STAHMER: In your opinion, therefore, could we say that the measures directed by Hitler were not carried out by the Luftwaffe?

VON BRAUCHITSCH: Yes. It can be said that the measures directed by Hitler were not carried out. As confirmed by the commanders of the air fleets, their men did not receive any orders to shoot enemy airmen or to turn them over to the SD.

DR. STAHMER: Do you know anything about the Luftwaffe having received directives to take hostages or to shoot them?

VON BRAUCHITSCH: I do not know of any directive or order dealing with hostages.

DR. STAHMER: Now one more question: Can you give us any information about the treatment of the five enemy airmen who in March 1945 bailed out over the Schorfheide and were captured?

VON BRAUCHITSCH: In March 1945, an American four-engined bomber was shot down after an attack over the Schorfheide. Part of the crew saved themselves by jumping. Some of them were injured and sent to a hospital. The observer, an American captain of the reserve, who in civilian life was a film director in Hollywood, on the following day was interrogated by the Reich Marshal himself about this mission and his bringing down.

DR. STAHMER: I have no more questions for this witness.

THE PRESIDENT: Do any other defendants' counsel wish to ask the witness any questions?

DR. LATERNSER: I have only a few questions for this witness. *[Turning to the witness.]* What post did you hold when the war started?

VON BRAUCHITSCH: At the outbreak of war I was at the war academy and had just left my squadron.

DR. LATERNSER: Can one say that the outbreak of war caused a happy feeling among the professional soldiers? What was the mood like at that time?

VON BRAUCHITSCH: No, one cannot say that the outbreak of war was greeted with enthusiasm. Rather we faced the fact with great gravity. As young soldiers, we saw our mission in training and educating our men for the defense of our country.

DR. LATERNSER: What posts did you hold during the war? Were you ever on the staff of an air fleet?

VON BRAUCHITSCH: I was never on the staff of an air fleet. Except for a short time, when I served as group commander, I was throughout adjutant of the Commander-in-Chief of the Luftwaffe.

DR. LATERNSER: As chief adjutant, as you said before, to the Commander-in-Chief of the Luftwaffe, you had a lot of inside information about the Luftwaffe?

VON BRAUCHITSCH: Insofar as material was available, yes.

DR. LATERNSER: Now, according to your inside information, did the chiefs of air fleets have any influence on political decisions or the conduct of the war?

VON BRAUCHITSCH: According to my information the chiefs of air fleets had no influence on any political decisions. Their job was the technical execution of the orders received, and orders on the conduct of the air war were given more and more by Hitler himself.

DR. LATERNSER: Did the chiefs of air fleets make any suggestions to use more severe methods in the conduct of the war?

VON BRAUCHITSCH: I do not know of any suggestions of that kind made by chiefs of air fleets. They were professional soldiers who acted according to orders.

DR. LATERNSER: I have still one question: Was there any co-ordination between the branches of the Wehrmacht? Was this co-ordination of a purely official nature or did it go farther?

VON BRAUCHITSCH: There was co-ordination between the leading local authorities at the front; at a higher level it was effected by the Führer himself.

DR. LATERNSER: I have no more questions.

THE PRESIDENT: Does any other defendant's counsel wish to ask any questions? Do the Prosecution wish to cross-examine?

MR. JUSTICE JACKSON: I would ask that the witness be shown Document Number 1156-PS of the United States documents.

[Document 1156-PS was submitted to the witness.]

Do you recognize this document, Witness?

VON BRAUCHITSCH: No, I do not know this document.

MR. JUSTICE JACKSON: I call your attention to the date, the 20th of March 1941, and I call your attention to the fact that it purports to be a report to Reich Marshal Göring at the 19th of March 1941 meeting.

VON BRAUCHITSCH: While in the service I attended military conferences only if they did not take place at the Führer's Headquarters, or if they were not personal discussions. I have not seen this document and I do not know the facts.

MR. JUSTICE JACKSON: Let me call your attention to Item 2, which refers to you, I take it, and which reads:

> "The directive worked out by the Wi regarding destructive measures to be undertaken by the Luftwaffe in Case Barbarossa was agreed to by the Reich Marshal. One copy was handed to Captain Von Brauchitsch for transmission to the General Staff of the Luftwaffe."

And I ask you whether that states the facts.

VON BRAUCHITSCH: I cannot remember these facts, neither can I give any information about the contents of the letter mentioned here.

MR. JUSTICE JACKSON: You knew about Case Barbarossa, did you not?

VON BRAUCHITSCH: I did not hear about Case Barbarossa until the beginning of 1941. I was not present at the conferences.

MR. JUSTICE JACKSON: But you did know that certain destructive measures were planned to be undertaken in connection with that by the Luftwaffe, did you not?

VON BRAUCHITSCH: I know only of the first missions given to the Luftwaffe, and I recollect that attacks on airfields were ordered.

MR. JUSTICE JACKSON: Did it not also provide for attacks against cities, particularly St. Petersburg?

VON BRAUCHITSCH: To my recollection and knowledge, at the time this letter was written nothing was said about these targets but only about attacks on airfields, which were the main targets of the Luftwaffe.

MR. JUSTICE JACKSON: I will ask that the witness be shown Document Number 735-PS, in evidence as Exhibit Number GB-151.

[Document 735-PS was submitted to the witness.]

That is in evidence and appears to be a most secret document of which only three copies were made, is that correct?

VON BRAUCHITSCH: May I read this letter first before I answer the question?

MR. JUSTICE JACKSON: I call your attention first to the signature at the end of it and ask you if you recognize it?

VON BRAUCHITSCH: The signature is Warlimont.

MR. JUSTICE JACKSON: Who was Warlimont?

VON BRAUCHITSCH: Warlimont was the Deputy Chief of the Armed Forces Operations Staff.

MR. JUSTICE JACKSON: And you knew him well and he knew you well, is that not so?

VON BRAUCHITSCH: I knew him by sight and on this occasion I spoke to him for the first time.

MR. JUSTICE JACKSON: On the occasion of this meeting that is recorded in these minutes, is that the occasion when you first met and spoke to Warlimont?

VON BRAUCHITSCH: When I first spoke to him officially, yes.

MR. JUSTICE JACKSON: That was on the 6th of June 1944, when this meeting was held?

VON BRAUCHITSCH: According to this letter, yes.

MR. JUSTICE JACKSON: Now, I call your attention to Paragraph Number 1 of the minutes of this meeting, from which it appears that Obergruppenführer Kaltenbrunner opened this meeting with a report that a conference on the question of the fliers had been held shortly before with the Reich Marshal, the Reich Foreign Minister and the Reich Führer SS. That is the opening of it, is it not?

VON BRAUCHITSCH: I know nothing of the record of this conference or even that it took place.

MR. JUSTICE JACKSON: Who was the Reich Marshal at that time?

VON BRAUCHITSCH: I remember the fact because on the 6th of June the invasion started and during the night of the 5th to the 6th I phoned Reich Marshal Göring himself at 0200 hours and informed him that the invasion had begun. In the morning he left Veldenstein for Klessheim in order to attend in the afternoon a conference there on the situation.

MR. JUSTICE JACKSON: And this meeting is said to have been held in Klessheim on the afternoon of the 6th of June, is it not?

VON BRAUCHITSCH: I said once before that I do not know anything of the meeting as such and of the subject of the discussion.

MR. JUSTICE JACKSON: Yes, I understand, you were not present. Göring was Reich Marshal; is that right?

VON BRAUCHITSCH: Yes.

MR. JUSTICE JACKSON: Ribbentrop was Foreign Minister at that time, was he not?

VON BRAUCHITSCH: Yes.

MR. JUSTICE JACKSON: And who was the Reich Führer SS?

VON BRAUCHITSCH: Himmler.

MR. JUSTICE JACKSON: Now, it was as a result of that meeting at which the Foreign Minister—just follow the next sentence, "... the Foreign Minister who wished to include every type of terror attack on the native civilian population...." It was agreed that this conference, which you did attend, was to take place; is that not the sense of the first paragraph?

VON BRAUCHITSCH: In the first place, I was not at this meeting and, secondly, I do not know anything about the subject as shown in evidence here.

MR. JUSTICE JACKSON: Well, were you not at the meeting with Kaltenbrunner which Kaltenbrunner called?

VON BRAUCHITSCH: I was not at the meeting with Kaltenbrunner which is mentioned here.

MR. JUSTICE JACKSON: Despite the signature of Warlimont on these minutes which says you were?

VON BRAUCHITSCH: In spite of the signature. May I first read the whole document before I give a definite answer?

MR. JUSTICE JACKSON: Read the last sentence. Witness, I may be misinterpreting this. It does not say you were present, but it does say that you gave them this information. I ask you to look at the last paragraph and say whether that is not true?

VON BRAUCHITSCH: The last paragraph of this document, above the signature, can only refer to a conference which, if I remember correctly, took place in the late afternoon of 6 June in General Warlimont's quarters and which I have mentioned in my previous statement.

MR. JUSTICE JACKSON: I think I was confused about the two meetings and that these minutes do not show you to have been present. There was such a conference as Warlimont describes but it was not the same conference at which Kaltenbrunner was present, is that correct?

VON BRAUCHITSCH: Yes, that is correct. I know only of this one meeting in the late afternoon of 6 June between Warlimont and myself.

MR. JUSTICE JACKSON: And that is the conference to which he refers in the first paragraph?

VON BRAUCHITSCH: No, the conference in the afternoon has nothing to do with the first paragraph which I just read, and has no connection with it.

MR. JUSTICE JACKSON: The third paragraph had no connection with the first meeting, you say?

VON BRAUCHITSCH: Paragraph Number 3 has no connection with Paragraph Number 1. I had no knowledge of Paragraph Number 1. I mentioned before that I was given the task of conferring with the OKW about the definition of acts which were to be considered as violations of international law, and criminal acts.

MR. JUSTICE JACKSON: Let us ask it once more so we will have no misunderstanding about it. The conference referred to in Paragraph Number 3 of Warlimont's minutes is a conference between you and him later that afternoon and had nothing to do with the Kaltenbrunner conference which was held earlier in the day.

VON BRAUCHITSCH: Yes.

MR. JUSTICE JACKSON: Now, what was the situation in the beginning of 1944 with reference to the bombing of German cities?

VON BRAUCHITSCH: The situation was that the air raids had increased in intensity and in the beginning of 1944 they were very heavy.

MR. JUSTICE JACKSON: That was becoming very embarrassing to the Reich Marshal, was it not?

VON BRAUCHITSCH: Of course it was very unpleasant for the Luftwaffe, because their defensive strength was too weak to stave off these attacks.

MR. JUSTICE JACKSON: And they were being blamed somewhat and the Reich Marshal was being blamed for the air attacks, was he not?

VON BRAUCHITSCH: Of course, that goes without saying.

MR. JUSTICE JACKSON: And the Reich Marshal was in the embarrassing position of having assured the German people back in 1939 that they could be protected against air attacks on the German cities. You understood that fact, did you not?

VON BRAUCHITSCH: I understand that to be so, but I also know that the conditions in 1939, which led to this statement, were entirely different from those of 1944 when the whole world was against us.

MR. JUSTICE JACKSON: But the fact was that German cities were being bombed and the German people had looked to the Reich Marshal to protect them, is that not a fact?

VON BRAUCHITSCH: It is clear that the German people expected the Luftwaffe to use all available means to ward off these attacks.

MR. JUSTICE JACKSON: Now, what were the relations between Göring and Hitler at this time?

VON BRAUCHITSCH: May I ask to have the question repeated? I did not understand it clearly.

MR. JUSTICE JACKSON: What was the relation between Göring and Hitler at this time? Was there any change in the relations as this bombing of German cities progressed?

VON BRAUCHITSCH: The relations between the Reich Marshal and the Führer were no doubt worse than they had been before. Whether that was only due to the conditions caused by the air warfare is not known to me.

MR. JUSTICE JACKSON: You were very close to Reich Marshal Göring throughout this period, the entire period of the war, were you not?

VON BRAUCHITSCH: I do not know what you mean by close in the relations between a commander-in-chief and his adjutant.

MR. JUSTICE JACKSON: Well, you were particularly friendly; he had great confidence in you and you had great regard for him. Is that not a fact?

VON BRAUCHITSCH: I can confirm that, but unfortunately only on very rare occasions did the Reich Marshal disclose his real motives.

MR. JUSTICE JACKSON: You were with him on the 20th day of April 1945, when he sent the telegram proposing to take over the government of Germany himself, and was arrested and condemned to death?

VON BRAUCHITSCH: Yes, I was present at that time.

MR. JUSTICE JACKSON: And the SS seized you and the Reich Marshal and several others and searched your houses, seized all your papers, and took you prisoner, did they not?

VON BRAUCHITSCH: It is correct that on 23 April at 1900 hours we were surrounded. The Reich Marshal was led to his room and from that moment on he was kept closely guarded; later we were separated and put into solitary confinement. Finally we were separated from him altogether by SS troops stationed at the Berghof.

MR. JUSTICE JACKSON: And this occurred at Berchtesgaden?

VON BRAUCHITSCH: It happened at Berchtesgaden.

MR. JUSTICE JACKSON: I think you have told us that you were all supposed to be shot by the SS at the time of the surrender

and were supposed to approve it by your own signature. Is that correct?

VON BRAUCHITSCH: No, that is not quite correct.

I know that an order existed that the Reich Marshal with his family and his entourage should be shot in Berlin at the time of capitulation.

The second thing you mentioned refers to something else, namely, that we were to be compelled to report voluntarily to the SS. I must say, in order to be just, that this SS leader would far rather not have had us there at that time so as not to have to carry out this order. At that time we were already separated from the Commander-in-Chief.

MR. JUSTICE JACKSON: What was the state of your knowledge about the activities of the SS? What was the SS and what was its relation to the Wehrmacht at this time? What was its relation to the Luftwaffe? Tell us about the SS.

VON BRAUCHITSCH: I can only say this much, that SS was a comprehensive term, that the SD, Gestapo, and Waffen-SS were quite separate subdivisions, and that the Gestapo was an instrument of repression which restricted much personal freedom.

MR. JUSTICE JACKSON: And the Waffen-SS likewise, is that not a fact?

VON BRAUCHITSCH: The Waffen-SS was a military force. I myself had neither trouble nor any friction with them.

MR. JUSTICE JACKSON: But what about the SS proper? Witness, you know this situation about the SS, I am sure, and you impress me as wanting to tell us candidly what you know about this situation, and I wish you would tell us a little, what the influence of the SS was on these situations.

VON BRAUCHITSCH: I pointed out once before that as a purely military adjutant I am able to give you information only about the Luftwaffe, but I am not in a position to say anything about general things of which I have no expert knowledge but merely personal opinions.

MR. JUSTICE JACKSON: Well, was not the SS the subject of a good deal of discussion among you officers, and was not everybody aware that the SS was an organization like the Gestapo which was repressive and cruel?

VON BRAUCHITSCH: In the Luftwaffe we had so many troubles of our own because of the growing air power of the enemy that we had no time to worry about anything else.

MR. JUSTICE JACKSON: But you knew, did you not, about the campaign against the Jews of Germany and the Jews of occupied countries?

VON BRAUCHITSCH: I did not know about the campaign against the Jews as it has been presented here and in the press.

MR. JUSTICE JACKSON: Well, I do not want to interrogate you on what is in the press, but do you want the Tribunal to understand that you had no knowledge of a campaign against the Jews in Germany?

VON BRAUCHITSCH: I only knew that some of the Jews were taken to ghettos. I had, however, no knowledge of the cruelties against Jews as now published in the press.

MR. JUSTICE JACKSON: Your father was Field Marshal, was he not?

VON BRAUCHITSCH: Yes.

MR. JUSTICE JACKSON: At what period was he Field Marshal?

VON BRAUCHITSCH: Field Marshal is a military rank which he held from 1940 until now.

MR. JUSTICE JACKSON: He has never been deprived of his rank, is that a fact?

VON BRAUCHITSCH: He was never deprived of his rank.

MR. JUSTICE JACKSON: There came a time when your father, as you know, disagreed with Hitler as to military programs?

VON BRAUCHITSCH: I know that my father had great difficulties with Hitler concerning political and military questions, and that this led to his retirement in December 1941.

MR. JUSTICE JACKSON: Did you not say to the interrogator who examined you for the United States that he retired from active command in 1941?

VON BRAUCHITSCH: Yes.

MR. JUSTICE JACKSON: And what did you understand to be the reason for his retirement?

You gave the reasons as follows, that neither in the military nor in the political considerations did he see eye to eye with Hitler, and could not come to any accord and, since he could not make his own opinions prevail, he desired to manifest his dissent by resigning, and that specifically also referred to religious questions.

VON BRAUCHITSCH: Yes.

MR. JUSTICE JACKSON: That is true, is it not?

VON BRAUCHITSCH: That is correct, and I still maintain it.

MR. JUSTICE JACKSON: I hope you are proud of it.

You were also asked this:

"And from 1941 to the end of the war, do you know what he was doing?"

And you answered:

"Well, he had, through his second marriage, a little house in a small town in Silesia, Bockenheim, and he occupied himself with studies of family history and also with forestry, economics, and hunting, but did not take part..."

VON BRAUCHITSCH: Only with questions of military history and agriculture.

MR. JUSTICE JACKSON: Beg pardon. I did not get that.

VON BRAUCHITSCH: He was interested only in economic questions and hunting, but not in military questions.

MR. JUSTICE JACKSON: Not in military, yes.

"...but did not take part in any sort of bloody political endeavors."

You said that, did you not?

VON BRAUCHITSCH: May I ask to hear the question once more.

MR. JUSTICE JACKSON: This is your answer in full. You interrupted me. This is your answer to the interrogator:

"Well, he had, through his second marriage, a little house in a small town in Silesia, Bockenheim, and he occupied himself with studies of family history and also with forestry, economics and hunting, but did not take part in any sort of bloody political endeavors."

And, with the exception of economics, you still stand by that answer, do you not?

VON BRAUCHITSCH: I have never said that he ever took part in bloody things. It must be an error. I never saw this record again. I did not sign it.

MR. JUSTICE JACKSON: I have not made myself clear. You said he did not take part in any bloody political endeavors. That is what this says you said.

VON BRAUCHITSCH: He did not take part; but I did not say anything of a bloody movement.

MR. JUSTICE JACKSON: You did not use these terms in the examination?

VON BRAUCHITSCH: No, I cannot remember having said that. I did not sign the protocol and I did not see it again after the interrogation.

MR. JUSTICE JACKSON: And you say that you did not use these words on the 26th of February 1946 to Captain Horace Hahn, interrogator?

VON BRAUCHITSCH: I say I did not use the words "take part in any bloody endeavors," *et cetera*, because that expression is

foreign to me. Neither do I know in what connection it is supposed to have occurred.

MR. JUSTICE JACKSON: Well, you do not know of any that he did partake in, do you?

VON BRAUCHITSCH: No. My father retired.

MR. JUSTICE JACKSON: Absolutely from this whole Nazi outfit. He disassociated himself from them and retired to a little village rather than go on with the program he did not agree with, did he not? Is that not a fact?

VON BRAUCHITSCH: Yes.

HERR HORST PELCKMANN (Counsel for SS): I believe that I have no longer any formal right to question this witness after Justice Jackson has cross-examined him, but I should be grateful if I might be permitted to do so since Justice Jackson questioned the witness also about the SS.

THE PRESIDENT: The witness' statement about the SS was that he knew nothing about it. What ground does it give for a cross-examination by you?

HERR PELCKMANN: He was asked whether he was guarded by the SS on Obersalzberg who also had the order to shoot him and Göring too. I should like to have it made clear whether that was SS or SD.

THE PRESIDENT: Very well.

HERR PELCKMANN: I therefore ask the witness: Do you know whether these people whom you have just mentioned were members of the SS or SD? Do you know the difference, Witness?

VON BRAUCHITSCH: I have a general idea of the difference. I believe that the troops which had the task of guarding us were SS, but that the Sicherheitsdienst (SD) had been given the special order.

HERR PELCKMANN: Thank you.

THE PRESIDENT: Do any of the other counsel for the Prosecution wish to cross-examine?

Dr. Stahmer, do you wish to re-examine?

DR. STAHMER: I have only two short questions.

Colonel Von Brauchitsch, can you tell us something about the relations between the Reich Marshal and Himmler?

VON BRAUCHITSCH: As far as I know and am able to give information, in their outward relations Himmler and Göring exercised the utmost circumspection, but there was no real personal contact between the two.

DR. STAHMER: Can you tell us whether the German people, until the last moment, still had confidence in Reich Marshal Göring, and showed it on special occasions? Can you mention any particular instances?

VON BRAUCHITSCH: I can mention two cases.

The first one was at the end of 1944 or the beginning of 1945—I cannot say the exact date—in a public air raid shelter. The Reich Marshal had no guards or escort and chatted with the people, and they greeted him with the old cry, "Hermann, halt' die Ohren steif! (Hermann, keep your chin up)."

Another example was on the trip from Berlin to Berchtesgaden during the night of the 20th to 21st April. In the morning or towards noon of the 21st the Reich Marshal arrived at a town in Sudetengau, where he made a short stop for breakfast at an inn. After a short while the market place became so crowded with people asking for his autograph, that we could not get his car through the crowd. Here too, he was greeted by the old cry, "Hermann."

DR. STAHMER: I have no more questions.

THE PRESIDENT: The witness may retire.

DR. STAHMER: As next witness, I call State Secretary Paul Körner.

[The witness Körner took the stand.]

THE PRESIDENT: Is your name Paul Körner?

PAUL KÖRNER (Witness): Yes.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHMER: Witness, what official post did you hold before the capitulation?

KÖRNER: I was State Secretary in the Prussian State Ministry.

DR. STAHMER: In this capacity were you one of the Reich Marshal's close collaborators?

KÖRNER: Yes.

DR. STAHMER: When did you first meet the Reich Marshal?

KÖRNER: In 1926.

DR. STAHMER: When were you selected by him to collaborate?

KÖRNER: At the end of 1931.

DR. STAHMER: In what capacity?

KÖRNER: I became his secretary.

DR. STAHMER: When were you taken over by the Civil Service?

KÖRNER: In April 1933. Pardon; the previous date was 1931.

THE PRESIDENT: The translator said the previous date was 1931; which date was 1931?

DR. STAHMER: In 1931 he first came into contact with Göring and became his private secretary. In 1933 he entered the Civil Service.

DR. STAHMER: What post was given to you?

KÖRNER: I became State Secretary in the Prussian State Ministry.

DR. STAHMER: What do you know about the institution of the Secret State Police, the Gestapo?

KÖRNER: In the first months after the seizure of power the Secret State Police evolved from the Political Police Department Ia. Basically the Political Police Department remained; it was only reorganized under the name of Secret State Police.

DR. STAHMER: What was its range of activities?

KÖRNER: Its main task was to watch the enemies of the State.

DR. STAHMER: Have you any information about the establishment of concentration camps?

KÖRNER: I know that at that time concentration camps were established.

DR. STAHMER: What purposes did they serve?

KÖRNER: They were supposed to receive enemies of the State.

DR. STAHMER: What do you mean by "receive"?

KÖRNER: Elements hostile to the State, mainly Communists, were to be concentrated in these camps.

DR. STAHMER: And what was to be done with them there?

KÖRNER: They were to be taken into protective custody, and, as far as I remember, they were also to be re-educated so that later on they could be incorporated into the community of the people.

DR. STAHMER: Do you know anything of the treatment meted out to the inmates?

KÖRNER: As far as I know, the treatment was always good.

DR. STAHMER: Did you ever hear anything about unauthorized concentration camps?

KÖRNER: Yes, in 1933, in various places unauthorized concentration camps were established.

DR. STAHMER: By whom?

KÖRNER: I remember that one was established in Breslau by SA Gruppenführer Heines; and one in Stettin. Whether there were any others, I do not know.

DR. STAHMER: In Stettin?

KÖRNER: I think it was Karpfenstein, but I cannot say for certain.

DR. STAHMER: And what became of these camps?

KÖRNER: When the Reich Marshal heard about them he had them instantly disbanded because they were established without his permission.

DR. STAHMER: What was the Reich Marshal's attitude when he heard of complaints?

KÖRNER: He always followed them up immediately.

DR. STAHMER: Do you know of any case where he took specially strong measures?

KÖRNER: Yes, I can remember the case of Thälmann.

DR. STAHMER: What happened in that case?

KÖRNER: It had come to the Reich Marshal's knowledge that Thälmann had not been treated in the way the Reich Marshal wished. He immediately followed the matter up and had Thälmann brought to him.

DR. STAHMER: Who was Thälmann?

KÖRNER: Thälmann was one of the leaders of the Communist Party and a communist member of the Reichstag.

DR. STAHMER: And how did the Reich Marshal speak to Thälmann?

KÖRNER: He had him brought into his office and asked him to tell him exactly why he had made a complaint.

DR. STAHMER: And then?

KÖRNER: Thälmann was very reticent at first, because he feared a trap. When the Reich Marshal spoke to him in a humane manner, he realized that he could speak freely. He told the Reich Marshal that on several occasions he had not been treated properly. The Reich Marshal promised him immediate redress and gave the necessary instructions. He also asked Thälmann to notify him immediately if it happened again. In addition he ordered that any complaints made by Thälmann should be passed on to him.

DR. STAHMER: Do you know how long the Reich Marshal was in charge of the Gestapo in the concentration camps?

KÖRNER: Until the spring of 1934; I believe it was March or April.

DR. STAHMER: Under whom did they come then?

KÖRNER: By order of the Führer, they came under the competence of Reichsführer Himmler.

DR. STAHMER: What do you know about the events in connection with the Röhm revolt on 30 June 1934?

KÖRNER: That a Röhm revolt was planned I heard when I was with the Reich Marshal in Essen, where we were attending the wedding of Gauleiter Terboven. During the wedding festivities Himmler arrived and made a report to the Führer. Later the Führer drew the Reich Marshal aside and told him in confidence of Röhm's designs.

DR. STAHMER: Do you also know what he told him?

KÖRNER: I can only say that what Himmler told the Führer was also brought to Göring's knowledge.

DR. STAHMER: Do you not know any further details?

KÖRNER: No, I do not know any further details, but I think that is sufficient.

DR. STAHMER: What instructions did Göring receive?

KÖRNER: The Führer instructed Göring to return to Berlin immediately after the wedding festivities, and the Führer went to southern Germany to investigate the reports personally.

DR. STAHMER: When was this wedding?

KÖRNER: As far as I remember, it was 2 days before the Röhm Putsch.

DR. STAHMER: Do you know whether, on the day after the Röhm Putsch, the Reich Marshal was with Hitler?

KÖRNER: No. The Reich Marshal was in Berlin. We returned to Berlin the same evening.

DR. STAHMER: And on the day after the Röhm Putsch on 30 June, that is on 1 July?

KÖRNER: The Reich Marshal was in Berlin.

DR. STAHMER: Do you know whether there was a conversation between him and Hitler?

KÖRNER: Yes. I remember that the Reich Marshal drove to the Reich Chancellery to report several things to the Führer. In particular the Reich Marshal had heard that on this occasion innocent people also might have or rather had fallen victim. Therefore, he wanted to ask the Führer to stop the whole action immediately.

DR. STAHMER: Was that done?

KÖRNER: Yes, that was done.

DR. STAHMER: In what way?

KÖRNER: After the report of the Reich Marshal, the Führer himself issued an order that no further unauthorized action should take place, that the action was over, and if any guilty people were still found they should be brought before the ordinary courts which would decide whether or not proceedings should be brought against these people.

DR. STAHMER: Do you know whether the Reich Marshal had anything to do with the action against the Jews during the night of 9 November 1938?

KÖRNER: No, the Reich Marshal had definitely nothing to do with it and had no inkling of it.

DR. STAHMER: How do you know?

KÖRNER: Because I was with the Reich Marshal on 9 November in Munich—he was always there on that day. The same evening we went to Berlin. Had the Reich Marshal known anything about it, he would certainly have told me or those who were with him. He had no inkling.

DR. STAHMER: When did he find out about it?

KÖRNER: Shortly before he arrived in Berlin, or at the Anhalter Station in Berlin.

DR. STAHMER: Through whom?

KÖRNER: Through his adjutant.

DR. STAHMER: And how did he take the news?

KÖRNER: He was furious when he received the report, because he was strongly opposed to the whole action.

DR. STAHMER: And what did he do about it?

KÖRNER: He got in touch with the Führer immediately to ask for the action to be stopped at once.

DR. STAHMER: What were your tasks within the framework of the Four Year Plan?

KÖRNER: I was Chief of the Office of the Four Year Plan.

DR. STAHMER: What were your tasks?

KÖRNER: The management and supervision of that office.

DR. STAHMER: How did the Four Year Plan come about? When and how did it start?

KÖRNER: The official Four Year Plan was announced in October 1936, but its origin goes back to the food crisis of 1935. In the autumn of 1935 the Reich Marshal received the order from the Führer . . .

THE PRESIDENT: Witness, try not to go quite so fast. It is very difficult to get the translation.

KÖRNER: Yes, Sir.

In the autumn of 1935 the Reich Marshal received the order from the Führer to make the food for the German people secure, as the food situation was serious because of the bad harvests of 1934 and 1935. At the time we were short of at least 2 million tons of breadgrain and several hundred thousand tons of fat, which had to be procured by some means or other.

The Reich Marshal solved this problem satisfactorily, and this led the Führer to ask him for suggestions as to how the entire German economy could be made proof against crises. These suggestions were worked out in the first half of 1936 and by midsummer were submitted to the Führer.

These suggestions gave the Führer the idea of a Four Year Plan, which he announced on Party Day 1936. On 18 October 1936 the Führer issued a decree appointing the Reich Marshal Delegate of the Four Year Plan.

DR. STAHMER: What were the aims of the Four Year Plan.

KÖRNER: As I said before, to make German economy proof against crises. The main tasks were to increase German exports to the utmost, and to cover any deficits as far as possible by increased production, particularly in the agricultural sphere.

DR. STAHMER: Did the Four Year Plan also serve rearmament?

KÖRNER: Of course it also served the rebuilding of the German Wehrmacht indirectly.

DR. STAHMER: Did the Four Year Plan also provide for the allocation of labor?

KÖRNER: Yes. The Four Year Plan provided for the appointment of a General Plenipotentiary for the Allocation of Labor. The former president of the Reich Labor Office, President Syrup, was appointed Plenipotentiary General.

DR. STAHMER: When was he appointed?

KÖRNER: That was at the beginning of the Four Year Plan, in the autumn of 1936.

DR. STAHMER: What were his particular tasks?

KÖRNER: He had to regulate the allocation of labor and thus put an end to the great muddle on the labor market.

DR. STAHMER: How long did Syrup remain in office?

KÖRNER: Syrup left in the spring of 1942 for reasons of health.

DR. STAHMER: Who became his successor?

KÖRNER: His successor was Gauleiter Sauckel.

DR. STAHMER: Who appointed Sauckel?

KÖRNER: Sauckel was appointed by the Führer.

DR. STAHMER: And what was his task?

KÖRNER: His main task as Plenipotentiary General for the Allocation of Labor was to regulate labor.

DR. STAHMER: Under whom did he work?

KÖRNER: He was formally under the Delegate of the Four Year Plan, but he received his instructions straight from the Führer.

DR. STAHMER: What was your part in it?

KÖRNER: In the spring of 1942 I ceased to have any influence over the allocation of labor, since Sauckel received his directions straight from the Führer and carried them out accordingly.

DR. STAHMER: Did you not have any more dealings with Sauckel?

KÖRNER: No; there were no more dealings as far as I remember, because he received his directions from the Führer.

DR. STAHMER: Who allocated the manpower?

KÖRNER: The labor exchanges allocated the manpower and were under Sauckel.

DR. STAHMER: What were the relations between the Reich Marshal and Himmler?

KÖRNER: They were not very cordial. There was frequent tension and mutual confidence was completely lacking.

DR. STAHMER: I have no further questions.

THE PRESIDENT: Do any other defendants' counsel wish to ask any questions?

[There was no response.]

Do the Prosecution wish to ask any questions?

MR. JUSTICE JACKSON: In your testimony you made some references to a conversation between Göring and Thälmann.

KÖRNER: Yes, I did.

MR. JUSTICE JACKSON: Will you tell us when that occurred?

KÖRNER: That must have been in the summer of 1933.

MR. JUSTICE JACKSON: In the summer of 1933? Was that before or after the Reichstag fire?

KÖRNER: That was after the Reichstag fire.

MR. JUSTICE JACKSON: And Thälmann was accused in the Reichstag fire trial and acquitted by the court, was he not?

KÖRNER: I cannot remember that very well.

MR. JUSTICE JACKSON: Do you remember it at all? Do you remember that he was accused?

KÖRNER: I can no longer remember whether he was accused. It may be.

MR. JUSTICE JACKSON: Do you know where he died?

KÖRNER: No, I do not know.

MR. JUSTICE JACKSON: Do you know that he was interned in Buchenwald after the Reichstag fire and remained there until he died in 1944? Did you know that?

KÖRNER: Yes, I remember it was said he was a victim of an air attack.

MR. JUSTICE JACKSON: And where was he when he was caught in this air attack?

KÖRNER: Where was Thälmann? I did not quite understand the question.

MR. JUSTICE JACKSON: Where was he when he became a victim of an air attack?

KÖRNER: As far as I heard, he was said to be in the Buchenwald concentration camp.

MR. JUSTICE JACKSON: And how long had he been there?

KÖRNER: That I do not know; I have no knowledge of that.

MR. JUSTICE JACKSON: Were you present at the conversation between Thälmann and Göring?

KÖRNER: Yes.

MR. JUSTICE JACKSON: What did he complain about then in the concentration camp?

KÖRNER: About treatment during interrogations.

MR. JUSTICE JACKSON: That was the only complaint he made?

KÖRNER: Yes, as far as I can remember. The Reich Marshal asked him whether he had good food and whether he was properly treated. All these things were discussed.

MR. JUSTICE JACKSON: And Thälmann found no fault with the concentration camp except treatment during interrogation?

KÖRNER: Yes; as far as I remember that was his chief complaint.

MR. JUSTICE JACKSON: Were the Communists regarded by the Nazis as enemies of the country?

KÖRNER: Yes.

MR. JUSTICE JACKSON: And concentration camps, then, were built to receive Communists among others, were they not?

KÖRNER: Yes.

MR. JUSTICE JACKSON: And Jews?

KÖRNER: Yes, as far as they were known to be enemies of the State.

MR. JUSTICE JACKSON: Were Jews also regarded as enemies of the State?

KÖRNER: Generally not; only when they had been recognized as such.

MR. JUSTICE JACKSON: Recognized as such—what, as Jews?

KÖRNER: No, if a Jew was recognized as an enemy of the State, he was treated as an enemy of the State.

MR. JUSTICE JACKSON: What was the test as to whether he was an enemy of the State?

KÖRNER: Well, his attitude, his active participation in actions hostile to the State.

MR. JUSTICE JACKSON: Such as what? What actions?

KÖRNER: I cannot give any details. I was not Chief of the Gestapo, and therefore I do not know any details.

MR. JUSTICE JACKSON: Were you not with Göring as his secretary during the time he was Chief of the Gestapo?

KÖRNER: In April 1933 I became State Secretary in the Prussian State Ministry.

MR. JUSTICE JACKSON: And did you not have to do with concentration camps under the secret police as such?

KÖRNER: No, I had nothing to do with that.

MR. JUSTICE JACKSON: Who handled that for Göring?

KÖRNER: The then Ministerialdirektor Diels.

MR. JUSTICE JACKSON: Did you know that, in setting up the Secret State Police, Göring used SS men to man the Gestapo?

KÖRNER: I cannot remember that any more.

MR. JUSTICE JACKSON: You were a member of the SS, were you not?

KÖRNER: Yes.

MR. JUSTICE JACKSON: What was your office in the SS?

KÖRNER: I never held any office in the SS, neither was I in charge of an SS formation. I was just a member of the SS.

MR. JUSTICE JACKSON: Were you not Obergruppenführer?

KÖRNER: Yes, I was an SS-Obergruppenführer.

MR. JUSTICE JACKSON: Now, as to these unauthorized concentration camps, you were asked who set them up, and I do not think you answered. Will you tell us about who set up these concentration camps?

KÖRNER: I remember two camps. In the case of one, I know for certain it was Gruppenführer Heines, in Breslau.

MR. JUSTICE JACKSON: Gruppenführer of what?

KÖRNER: SA-Gruppenführer Heines, in Breslau.

MR. JUSTICE JACKSON: Who was the other?

KÖRNER: I cannot say exactly. I believe it was Karpfenstein, but I am not sure of it.

MR. JUSTICE JACKSON: Who was he?

KÖRNER: Karpfenstein was Gauleiter in Stettin.

MR. JUSTICE JACKSON: And the Gauleiter was a Party official?

KÖRNER: Yes, he was a Party official.

MR. JUSTICE JACKSON: And the concentration camps were designed to take care of not only enemies of the State but enemies of the Party, were they not?

KÖRNER: Yes.

MR. JUSTICE JACKSON: The Prime Minister of Prussia was the Chief of the Secret State Police?

KÖRNER: Yes.

MR. JUSTICE JACKSON: And in his absence the State Secretary of the State Ministry was to act as Chief of the Secret State Police?

KÖRNER: No, that was Diels.

MR. JUSTICE JACKSON: Was that not the law, whatever was done about it? Did you not know that that was the law under which the Secret State Police was set up, Section 1, Paragraph 2?

KÖRNER: I cannot remember that law any more. I no longer know the details.

MR. JUSTICE JACKSON: Do you know the law of 30 November 1933? You do not know the law under which you were operating?

KÖRNER: I do not remember that law now. I would have to see it again.

MR. JUSTICE JACKSON: Now, what was wrong with these concentration camps that they had to be closed down?

KÖRNER: These unauthorized concentration camps had been established without permission of the then Prussian Prime Minister and for that reason he prohibited them immediately.

MR. JUSTICE JACKSON: That is the only reason, that they were set up without this authority?

KÖRNER: I believe so; yes.

MR. JUSTICE JACKSON: And he had them stopped immediately?

KÖRNER: Stopped; yes.

MR. JUSTICE JACKSON: Göring did not tolerate concentration camps that were not under his control and the Führer backed him up in it, is that right?

KÖRNER: Yes.

MR. JUSTICE JACKSON: Now, from time to time complaints came to you about the treatment of people in concentration camps, during all the time you were with Göring, did they not?

KÖRNER: Yes, there were frequent complaints.

MR. JUSTICE JACKSON: What did they complain of?

KÖRNER: Various things.

MR. JUSTICE JACKSON: Tell the Tribunal what the complaints were with which you had to deal.

KÖRNER: Well, mostly from relatives of the people taken to concentration camps whose release was applied for; or complaints that these people had been taken to a concentration camp without reason.

MR. JUSTICE JACKSON: That is, that they were innocent people, innocent of any offense?

KÖRNER: The relatives asserted this.

MR. JUSTICE JACKSON: Did you do anything to get them released from concentration camps?

KÖRNER: The Reich Marshal had ordered that all complaints were to be replied to. Every case was followed up at once.

MR. JUSTICE JACKSON: And did you find that many of these people were innocent, or did you find that they were guilty?

KÖRNER: If anybody was found to have been wrongly taken to a concentration camp he was released immediately.

MR. JUSTICE JACKSON: And to whom was the communication given, that he had been found innocent and was to be released from the concentration camp?

KÖRNER: It was given to the Secret State Police.

MR. JUSTICE JACKSON: To whom at the Secret State Police? Who was the man you communicated with?

KÖRNER: I cannot name the individual who dealt with these matters. The chief, as far as I remember, was first Heydrich and then Kaltenbrunner or Müller.

MR. JUSTICE JACKSON: Göring was on good terms with all of those, was he not?

KÖRNER: Yes.

MR. JUSTICE JACKSON: Well acquainted with all of those men?

KÖRNER: Of course.

MR. JUSTICE JACKSON: Now, when you say that Göring obtained the release of people from concentration camps, are you talking about just one or two cases or did he obtain the release of a good many people?

KÖRNER: In the course of the years, there were naturally several cases.

MR. JUSTICE JACKSON: What do you mean by "several"?

KÖRNER: Well, I cannot give the number now, but there were quite a lot of releases.

MR. JUSTICE JACKSON: Did you find any where the people were guilty when you investigated?

KÖRNER: If they could not be released, then they were guilty somehow.

MR. JUSTICE JACKSON: Who decided that?

KÖRNER: That, as far as I know, was decided by the chief men of the Secret State Police.

MR. JUSTICE JACKSON: Well, then, what did you do in requesting their release? Did you advise the Secret State Police that you disagreed with their conclusion that the man was guilty, or did Göring simply order the man to be released or request his release?

KÖRNER: No, they were told the exact reason why the man should be released.

MR. JUSTICE JACKSON: Do you know of any instance in which Göring requested the release of a person from a concentration camp, where it was not granted?

KÖRNER: I cannot say that now. I have to think it over.

MR. JUSTICE JACKSON: You cannot recall any today, can you, in which Göring's word requesting a release was not honored?

KÖRNER: At the moment I cannot remember any particular case.

MR. JUSTICE JACKSON: How many people were put in concentration camps as a result of the Röhm revolt?

KÖRNER: That I cannot say either.

MR. JUSTICE JACKSON: How many people were killed as a result of it?

KÖRNER: I cannot say from memory. As far as I know, the figures were published at the time.

MR. JUSTICE JACKSON: Well, would it be a couple of hundred people that were killed for it?

KÖRNER: I should not like to tie myself to a figure, because I may be wrong.

MR. JUSTICE JACKSON: Well, it was a very large number of people was it not?

KÖRNER: No, I am sure it was not a very large number.

MR. JUSTICE JACKSON: Give a figure.

KÖRNER: The number was published at the time. This could still be checked.

MR. JUSTICE JACKSON: Well, why did the Reich Marshal want Hitler to stop punishing the people who had been a party to the Röhm revolt?

KÖRNER: I did not quite understand the question.

MR. JUSTICE JACKSON: I understood your testimony to be that the Reich Marshal went to Hitler at some time and wanted this campaign against people who were in the Röhm revolt to be stopped. And I want to know why he wanted it stopped?

KÖRNER: In order to prevent innocent people being involved. Only the really guilty were to be caught and punished accordingly. It was clear that someone or other might seize this opportunity to take personal revenge and do away with his enemy, and in order to prevent this the action should be stopped immediately and only ordinary courts should deal with the matter.

MR. JUSTICE JACKSON: Who was in charge of the selection of the people who were shot or otherwise killed as a result of the Röhm revolt?

KÖRNER: The Führer himself.

MR. JUSTICE JACKSON: And the Reich Marshal had sufficient influence to stop that immediately when he complained?

KÖRNER: At that time, yes, the Reich Marshal definitely had sufficient influence.

MR. JUSTICE JACKSON: In connection with this Four Year Plan you said that it was its function to regulate the confusion in the labor market?

KÖRNER: Yes.

MR. JUSTICE JACKSON: Now, you represented the Reich Marshal at many meetings, did you not?

KÖRNER: Yes.

MR. JUSTICE JACKSON: And was not one of your functions to get prisoners of war to work in the armament industry and other industries that needed labor?

KÖRNER: No.

MR. JUSTICE JACKSON: You never had anything to do with that?

KÖRNER: No. The Plenipotentiary General for the Allocation of Labor of course applied for prisoners of war for labor.

MR. JUSTICE JACKSON: You attended many meetings when that was discussed, did you not?

KÖRNER: I cannot recall that.

MR. JUSTICE JACKSON: Did you report to the Reich Marshal what happened at those meetings?

KÖRNER: When questions of a general nature were discussed, a report was made and submitted to the Reich Marshal.

MR. JUSTICE JACKSON: You were a member of the Central Planning Board, were you not?

KÖRNER: Yes.

MR. JUSTICE JACKSON: And you were representing the Reich Marshal on that Board?

KÖRNER: No. I did not represent the Reich Marshal there. It was a board of three men—Minister Speer, Field Marshal Milch and myself. The Central Planning Board was set up in the spring of 1942.

MR. JUSTICE JACKSON: Who appointed you?

KÖRNER: The three of us were appointed to the Central Planning Board.

MR. JUSTICE JACKSON: Who appointed you?

KÖRNER: As far as I remember, Göring.

MR. JUSTICE JACKSON: And you reported to him, did you not, what occurred from time to time?

KÖRNER: The Central Planning Board was merely an office for the distribution of raw materials. We usually met every 3 months in order to fix the quotas for the following quarter. Previously the office of the Four Year Plan, in co-operation with the Minister of Economics, handled the distribution and, from the spring of 1942 on, the Central Planning Board handled it in the interests of armament.

MR. JUSTICE JACKSON: Now, do you want us to understand that the Central Planning Board only met every 3 months?

KÖRNER: Yes, approximately. In very rare cases another meeting was called, especially if there were urgent problems to be solved. I remember, for instance, the case when it was said that agriculture was not getting enough nitrogen and that if the nitrogen quota were too small, agricultural production would suffer. In view of this State Secretary Backe asked for a meeting to be called and this took place at the Central Planning Board office.

MR. JUSTICE JACKSON: Would you testify that Sauckel did not report to the Central Planning Board, at a meeting at which you were present, that out of all the labor that came to Germany only 200,000 came voluntarily—out of the millions who came only 200,000 came voluntarily?

KÖRNER: I cannot remember that.

MR. JUSTICE JACKSON: Do you say that the Central Planning Board never discussed labor questions?

KÖRNER: At the Central Planning Board only demands for labor were submitted, and the quota holders to whom raw materials were allocated also demanded the necessary labor. Only very rough figures were given and then passed on to the Plenipotentiary General for the Allocation of Labor.

MR. JUSTICE JACKSON: What about prisoners of war?

KÖRNER: With these the Central Planning Board was not at all concerned, as it was given only rough figures. For instance, if some branch of industry needed so many thousand workers, they were asked for.

MR. JUSTICE JACKSON: What about concentration camp labor?

KÖRNER: The distribution of labor was dealt with by the labor exchanges. The Central Planning Board had nothing to do with it.

MR. JUSTICE JACKSON: Are you familiar with a letter dated 9 March 1944, reciting that 36,000 concentration camp prisoners were now being used and wanting an increase to 90,000?

KÖRNER: I do not know about these demands.

MR. JUSTICE JACKSON: Do you know about the use of Russian prisoners of war in manning antiaircraft guns?

KÖRNER: No.

MR. JUSTICE JACKSON: After Göring closed the unauthorized concentration camps, did you know that the number of concentration camps increased very greatly in Germany?

KÖRNER: This I do not know. What happened after they were turned over to Himmler is beyond my knowledge. It may be that a large number of concentration camps was then set up.

MR. JUSTICE JACKSON: How do you come to know about Göring's relations with Himmler? Did he tell you?

KÖRNER: Göring once spoke about it, and I concluded that the relations were not at all good.

MR. JUSTICE JACKSON: Do you know about the appointment of Kaltenbrunner as head of the Austrian State Police after the Anschluss?

KÖRNER: No.

MR. JUSTICE JACKSON: Do you know who obtained that appointment for Kaltenbrunner?

KÖRNER: No, I have no idea.

MR. JUSTICE JACKSON: Now, you say that Göring and you were in Munich on the night or nights of the anti-Jewish riots in Germany?

KÖRNER: Yes.

MR. JUSTICE JACKSON: Was Goebbels also there?

KÖRNER: No.

MR. JUSTICE JACKSON: Go ahead; do you want to say something else?

KÖRNER: On 9 November we traveled from Munich to Berlin, so Goebbels could not be there then.

MR. JUSTICE JACKSON: Why could he not be there?

KÖRNER: Because the Reich Marshal, with his entourage, traveled in his train to Berlin.

MR. JUSTICE JACKSON: I mean, did you know that Goebbels was in Munich before these uprisings?

KÖRNER: Yes, that I heard afterwards—that Goebbels was in Munich. All National Socialist leaders were in Munich because 9 November was a day when all of them met.

MR. JUSTICE JACKSON: And Goebbels spoke in Munich on the Jewish question that night, did he not?

KÖRNER: That I do not know. I do not remember the speech.

MR. JUSTICE JACKSON: Göring was there to attend the meeting of the National Socialist leaders, was he not?

KÖRNER: Yes, on 9 November the entire leadership of the National Socialist Party met in Munich. It was an anniversary meeting.

MR. JUSTICE JACKSON: And Göring attended regularly?

KÖRNER: Of course he did.

MR. JUSTICE JACKSON: And you did?

KÖRNER: I did also.

MR. JUSTICE JACKSON: Now, Hess attended?

KÖRNER: As I said, all National Socialist leaders always attended if they possibly could. Nobody ever failed to attend unless he were ill, or prevented by official duties.

MR. JUSTICE JACKSON: Which of the defendants in the dock attended those meetings? Ribbentrop, of course?

KÖRNER: Ribbentrop, certainly.

MR. JUSTICE JACKSON: Keitel?

KÖRNER: I assume so.

MR. JUSTICE JACKSON: Kaltenbrunner?

KÖRNER: I never saw Kaltenbrunner, because Kaltenbrunner held a public post only during the latter years, and during these years the meetings were not as regular as before.

MR. JUSTICE JACKSON: Rosenberg, of course, was there?

KÖRNER: Of course, as I said before.

MR. JUSTICE JACKSON: And Frank and Frick?

KÖRNER: Certainly.

MR. JUSTICE JACKSON: And Streicher?

KÖRNER: Not during the latter years, I do not think so; but previously he attended.

MR. JUSTICE JACKSON: When was that, during the latter years?

KÖRNER: As far as I know, Streicher did not attend during the latter years, but I do not know for certain.

MR. JUSTICE JACKSON: He attended in November 1938 when the anti-Jewish uprisings took place, did he not?

KÖRNER: I believe so, because at that time Streicher was still in Nuremberg.

MR. JUSTICE JACKSON: He was very active, was he not?

KÖRNER: I did not understand the question quite correctly.

MR. JUSTICE JACKSON: He was very active in the anti-Jewish matters, was he not?

KÖRNER: Yes; this is generally known.

MR. JUSTICE JACKSON: And did he see Funk at those meetings?

KÖRNER: I believe that Funk frequently attended these meetings.

MR. JUSTICE JACKSON: What was the subject considered at this meeting of 9 November, the night of the anti-Jewish uprising?

KÖRNER: I do not know of any discussions as there was always a fixed program on that day, and I did not know about anything else, nor can the Reich Marshal have known.

MR. JUSTICE JACKSON: Who was the adjutant who informed him on his arrival the next morning that something had happened during the night?

KÖRNER: This I cannot say exactly as the adjutants were always changing. I only know that an adjutant came and reported.

MR. JUSTICE JACKSON: What did he say that happened?

KÖRNER: He reported that during the night anti-Jewish riots had taken place and were still going on; that shop windows had been smashed, goods thrown into the streets. Göring was infuriated about this.

MR. JUSTICE JACKSON: What was he infuriated about?

KÖRNER: About the riots.

MR. JUSTICE JACKSON: You mean that he was taking the part of the Jews?

KÖRNER: About the entire action.

MR. JUSTICE JACKSON: You mean that he was taking the part of the Jews?

KÖRNER: Göring always showed a different attitude to the Jewish question.

MR. JUSTICE JACKSON: You just tell us what it was. You may go into all details. Tell us what his attitude was.

KÖRNER: He always showed a moderate attitude towards the Jews.

MR. JUSTICE JACKSON: Such as fining them a billion Reichsmark right after the fire, right after these outrages? You know that he did that, do you not?

KÖRNER: Yes. The Führer demanded it.

MR. JUSTICE JACKSON: You know that the Führer is dead, do you not? Do you know that for a fact?

KÖRNER: Yes, I know he is dead.

MR. JUSTICE JACKSON: That is generally understood, is it not, among all of you, that the Führer is dead?

KÖRNER: Yes.

MR. JUSTICE JACKSON: So the Führer ordered the Reich Marshal to levy a fine of a billion Reichsmark? Who ordered the

confiscation of the insurance of the Jews a few days after this assault?

KÖRNER: That I do not know. I can no longer remember the details.

MR. JUSTICE JACKSON: Do you not remember that that was Göring's order?

KÖRNER: I cannot recall it now.

MR. JUSTICE JACKSON: Why did Göring go to Hitler to get this stopped? Why did he not go to the head of the police, which is supposed to prevent crime?

KÖRNER: Naturally he went to the highest chief so that an authoritative order could be given for these riots to cease immediately.

MR. JUSTICE JACKSON: Did he have any idea who had started them?

KÖRNER: It had gone round that Goebbels had instigated these riots.

MR. JUSTICE JACKSON: Did he know that the Gestapo and SS also participated?

KÖRNER: I do not know. As far as I know the SS did not participate.

MR. JUSTICE JACKSON: Did the Gestapo?

KÖRNER: No, I do not know that either.

MR. JUSTICE JACKSON: So he went to Hitler to complain about Goebbels instigating these riots, is that the fact?

KÖRNER: Yes, that is correct.

MR. JUSTICE JACKSON: So that he knew the next morning that these riots against the Jews had been instigated by members of the Government?

KÖRNER: Yes.

MR. JUSTICE JACKSON: You were interrogated at Obersalzberg, the interrogation center, on the 4th of October of last year by Dr. Kempner of our staff, were you not?

KÖRNER: Yes.

MR. JUSTICE JACKSON: And you stated in the beginning of your interrogation that you would not give any testimony against your former superior, Reich Marshal Göring, and that you regarded Göring as the last big man of the Renaissance; the last great example of a man from the Renaissance period; that he had given you the biggest job of your life and it would be unfaithful and disloyal to give any testimony against him; is that what you said?

KÖRNER: Yes, that is more or less what I said.

MR. JUSTICE JACKSON: And that is still your answer?

KÖRNER: Yes.

MR. JUSTICE JACKSON: No further questions.

THE PRESIDENT: Do any other members of the Prosecution wish to examine this witness?

GEN. RUDENKO: Perhaps you can remember, Witness, the conference of the heads of the German authorities in the occupied territories which took place on 6 August 1942 under the chairmanship of Defendant Göring.

KÖRNER: I cannot remember straight off what conference that could have been.

GEN. RUDENKO: Perhaps you can recall that after this conference of 6 August you circulated the minutes to all the ministers. The appendix to these minutes showed how much foodstuff and other raw materials should be supplied to Germany by the occupied territories?

KÖRNER: I cannot remember offhand.

GEN. RUDENKO: I shall put before you a document signed by you yourself which gives proof of this meeting.

KÖRNER: Yes, I have read it.

GEN. RUDENKO: You remember that you circulated this document, do you not?

KÖRNER: Yes.

GEN. RUDENKO: The document shows that certain figures were fixed as to how much foodstuff should be sent to Germany: 1,200,000 tons from France, Belgium, the Netherlands, and Norway. From Russia, 3,000,000 tons of grain were to be sent to Germany, *et cetera.* Do you not consider such deliveries to be a spoliation of the occupied territories?

KÖRNER: It was a matter of course that the occupied territories had to make every effort in contributing to the food supply. Quotas were imposed on the occupied territories which they could meet or, if they were not in a position to do so, they could subsequently ask for modifications.

GEN. RUDENKO: You said something about "squeezing out," I think?

KÖRNER: No, I never talked of squeezing out. I said it was a matter of course that the occupied territories had to contribute to the food supply with all the means at their disposal.

GEN. RUDENKO: That the occupied territories had to contribute?

KÖRNER: Yes.

GEN. RUDENKO: Had these occupied territories asked Germany to come and rule over them?

KÖRNER: I did not quite understand that question.

GEN. RUDENKO: I do not suppose you did. I now want to ask you another question in connection with this. You did not see that this was plunder, but do you not recall that Göring himself...

KÖRNER: No, this could not have been plunder.

GEN. RUDENKO: Göring himself at the same meeting said in his address that he intended to plunder the occupied territories systematically; you do not remember his expression "systematically plunder"?

KÖRNER: No, I do not know this expression.

GEN. RUDENKO: No, you do not remember. Perhaps you can recall that at the same meeting, when addressing the leaders of the occupied territories, he said to them, "You are sent there not to work for the welfare of the people you are in charge of, but you are sent there in order to squeeze out of that country everything possible." Do you remember these words of the Defendant Göring?

KÖRNER: No, I cannot remember these words.

GEN. RUDENKO: You cannot remember?

KÖRNER: No.

GEN. RUDENKO: And you do not recall a lengthy correspondence between Göring and Rosenberg in which Rosenberg insisted that all functions relative to the economic exploitation of the occupied territories of the Soviet Union should be taken away from the military economic offices and transferred to the ministry headed by Rosenberg?

KÖRNER: No, I do not recall this letter.

GEN. RUDENKO: You do not know. And in connection with this you do not remember that this correspondence did not lead to a final settlement of the question?

KÖRNER: I do not know anything about this correspondence.

GEN. RUDENKO: You do not know anything, do you? In 1944 do you not recall that...

DR. STAHMER: I should like to point out that the interpretation is very incomplete and hard to understand. We ourselves do not fully understand the questions either.

GEN. RUDENKO: I suggest it is not my fault if the witness does not get all my questions.

[Turning to the witness.] Do you not recall that in 1944, after the Red Army had driven the German troops from the Ukraine, Göring, wishing to shelve the question of the economic exploitation of the Ukraine, wrote to Rosenberg that it should be postponed until a more opportune time, and Göring mentioned a second seizure of the Ukraine and other Soviet territories?

KÖRNER: Is this supposed to have happened in 1944?

GEN. RUDENKO: In 1944.

KÖRNER: No, I cannot remember it.

GEN. RUDENKO: I shall not argue about it.

[Turning to the President.] Evidently, Mr. President, you wish to adjourn now. I have a few more questions, but I assume it will be convenient to resume after the adjournment.

THE PRESIDENT: Yes.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

THE PRESIDENT: The Tribunal will adjourn at 4:30 today.

GEN. RUDENKO: Witness, I intend to hand you a document which is a letter addressed to you by the Permanent Delegate of the Reich Minister for the Occupied Eastern Territories. This is Document Number USSR-174. I want you to read it and say whether you have ever seen this letter before. You will see that this document begins with the words, "Honorable Secretary of State and dear Party Comrade Körner."

This letter deals with the unification of economic leadership.

KÖRNER: I have taken note of this document. I definitely received it.

GEN. RUDENKO: You have received it; that is quite obvious. As is quite clear from this communication, the question is that of holding a special meeting under your leadership.

KÖRNER: Yes.

GEN. RUDENKO: Therefore I may conclude that you were a very close collaborator of the Defendant Göring in the matter of the so-called unification of economic leadership?

KÖRNER: Yes, for the conference mentioned.

GEN. RUDENKO: One last question. Do you confirm that the Defendant Göring as Delegate for the Four Year Plan, was at the head of both the civilian and the military German organizations dealing with the economic exploitation of all the occupied territories, and that you were his closest collaborator where these economic measures were concerned?

KÖRNER: The conference mentioned in this document never took place. The unification of economic leadership was a problem which arose, but which never really became a fact. Therefore the conference mentioned was superfluous.

GEN. RUDENKO: The problem was not solved, because of circumstances over which you had no control. It depended on the advance of the Red and Allied Armies. Am I right?

KÖRNER: I did not understand the question clearly enough to answer it.

GEN. RUDENKO: You say that the question was not solved. I ask you, is it not a fact that the problem was not solved because of circumstances which did not depend on yourselves? You were prevented by the Red and Allied Armies?

KÖRNER: I believe that at the time this letter was sent no such influence could have been felt. The question of the comprehensive

organization of economic matters in occupied territories did not, as a fact, materialize because it was opposed by other circumstances.

GEN. RUDENKO: I do not mean to discuss these causes with you at the present moment, but you have not yet answered my last question. I asked: Do you confirm that Göring, as Delegate for the Four Year Plan, was at the head of both the civilian and the military German organizations dealing with the economic exploitation of all the occupied territories, and that you were his closest collaborator?

KÖRNER: As far as the exploitation of occupied countries is concerned, it cannot be dealt with in this manner. The Four Year Plan had the possibility of exerting influence in economic questions in the occupied countries, but it was done only if it was absolutely necessary. In general it did not concern itself with such problems. The authorities who took care of economic matters in the occupied countries were the military commanders or the heads of the civil administration. In the East was the Economic Staff East and Rosenberg's Ministry. Only if there was a matter between the military and the economic authorities or between German departments, where there was a dispute or a disagreement, could the Four Year Plan be drawn in. The Reich Marshal in those cases could make special decisions, but that was in very, very few cases as, for instance, in the case of this conference mentioned today, concerning the occupied countries having to help supply foodstuffs for Europe. We had the right, since in the occupied territories not only in the East but also in the West, we carried out many new developments in the sphere of agriculture. In the West I can point out...

GEN. RUDENKO: What right are you discussing?

KÖRNER: I speak of the right which Germany had to share in the agricultural production of these countries, because we introduced many new developments there. I would like to point out that in the East, the regions which had been completely devastated, which had no seed, no machines, and with greatest difficulty...

GEN. RUDENKO: Who gave that right to the Germans?

KÖRNER: The right? It is only natural that once we have occupied a country and built it up, we are entitled to share in the surplus. We had to take care of the whole of Europe and we knew what anxieties and problems we encountered in the occupied countries.

GEN. RUDENKO: I asked you, where did the Germans get the right?

KÖRNER: I am no jurist. Therefore I cannot answer the question.

GEN. RUDENKO: But you were talking about German rights.

KÖRNER: I am speaking only of the natural right that if we built up a country we should share in the results of that work of development.

GEN. RUDENKO: After you had devastated these areas?

KÖRNER: Germany did not devastate these areas, especially not in any agricultural respect. We, in fact, instituted great developments. I remember, in the West, that some parts of France were completely devastated and our organizations performed reconstruction work there. Thus we rebuilt the uncultivated land which we found in France, through a German organization which had reconstructed whole areas in Reich territory, and repatriated French people there, giving them the possibility of working again as peasants and sharing in the agricultural production of the country. In the East we found territories whose agriculture had been greatly damaged through the war. All the machines had disappeared. All the tractors had been taken away by the Russians, and all agricultural implements had been taken away or destroyed. There we had to start in the most elementary and primitive way to build up agriculture again.

That it was possible for us in the years of our occupation in the East to restore agriculture, German initiative and German machinery alone are to be thanked.

GEN. RUDENKO: Did German initiative also include, together with the restoration of agricultural measures and developments, a vast net of concentration camps which you established in the occupied countries? Was that also included in the extent of the German initiative?

KÖRNER: I had nothing to do with that problem, and can say nothing about it.

GEN. RUDENKO: But I am asking you this question . . .

KÖRNER: And therefore I do not understand what you mean.

GEN. RUDENKO: You are not sufficiently informed on the question of concentration camps, but it would appear that you are quite well informed, or appear to be informed, on restoration work in the agricultural field?

KÖRNER: Naturally, I know a great deal about the rehabilitation of agricultural areas.

GEN. RUDENKO: But you know nothing about concentration camps?

KÖRNER: I was not concerned with these matters.

GEN. RUDENKO: You knew nothing about the fact that millions were being annihilated by the German occupational authorities?

KÖRNER: No, I knew nothing about it.

GEN. RUDENKO: You really knew nothing about it?

KÖRNER: I have only just found out about it.

GEN. RUDENKO: Only now?

KÖRNER: Yes.

GEN. RUDENKO: I have no further question to ask.

HERR GEORG BOEHM (Counsel for SA): Witness, do you know that Heines was Chief of Police at Breslau?

THE PRESIDENT: I asked defendants' counsel at the end of the examination by Dr. Stahmer whether they wished to ask any questions, and they said they did not wish to ask any questions. Therefore it is not your turn now to ask any questions.

HERR BOEHM: Mr. President. In the interrogation by Mr. Justice Jackson a point arose which I did not know of before and which calls for comment. It concerns the Chief of Police, Heines. May I be allowed to put two or three questions to the witness so that the point in question may be clarified?

THE PRESIDENT: Very well. We hope you will not take too long.

HERR BOEHM: I will try to be brief, Mr. President. Thank you.

[Turning to the witness.] Witness, do you know that Heines was Chief of Police at Breslau?

KÖRNER: Yes.

HERR BOEHM: Further, do you know that in that capacity he was in charge of the prisons in Breslau?

KÖRNER: Of course, the Police Chief is in charge of prisons.

HERR BOEHM: Do you know whether at the time in question when this camp was set up, the police prisons of Breslau were overcrowded?

KÖRNER: That I do not know. I mentioned the case of Heines only as one of the camps which at that time were set up without the permission of the Prime Minister or the Minister of the Interior.

HERR BOEHM: Then you also know that Heines could establish this camp merely in his capacity as Chief of Police?

KÖRNER: Yes, that may be.

HERR BOEHM: Thank you.

THE PRESIDENT: Dr. Stahmer, have you any questions to ask?

DR. STAHMER: I have no further questions to put to the witness.

THE PRESIDENT: Then the witness may retire.

DR. STAHMER: With the permission of the Tribunal I call as next witness, Field Marshal Kesselring.

[The witness Kesselring took the stand.]

THE PRESIDENT: Will you tell me your name?

ALBERT KESSELRING (Witness): Albert Kesselring.

THE PRESIDENT: Will you repeat this oath after me:

I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit if you wish.

DR. STAHMER: Witness, since when have you served with the Luftwaffe?

KESSELRING: Since 1 October 1933.

DR. STAHMER: What rank did you hold on your transfer to the Luftwaffe?

KESSELRING: Up to that time I was a colonel and officer commanding artillery in Dresden. Then I was retired as air commodore.

DR. STAHMER: You helped to build up the Luftwaffe?

KESSELRING: During the first 3 years I was Chief of the Administrative Office, subsequently Chief of the General Staff, and I then served in the Gruppenkommando.

DR. STAHMER: Was the Luftwaffe being built up for defensive or aggressive purposes?

KESSELRING: The German Luftwaffe was purely a weapon of defense. I must, however, add the comment that the single plane as well as the whole of an air force by its very nature is an aggressive weapon. Even in land fighting, mere defense unaccompanied by offensive movements is considered not to lead to any appreciable results or successes. This applies to a still greater degree to air warfare. The air force covers a wider range, both for defense and attack. This had been realized by the Reich Marshal and his generals.

It is obvious that when an air force is being built up, only light machines are produced, or are the first types to reach the units. Thus, up to 1936-37 we had only light craft, fighters, Stukas, reconnaissance planes, and a few "old sledges" as we called them, such as Ju 52, Do 11 and D 13—all obsolete bomber types.

One may hold the view that defense can be successfully conducted with these light craft. On the other hand, I should like to point to the end of the World War, when the German defensive air force was smashed by the offensive air force of the enemy.

THE PRESIDENT: Dr. Stahmer, the Tribunal thinks the witness is dealing with this matter in far too great detail.

KESSELRING: I will go on. Up to 1937-38 there was no offensive air force, especially no bombers, and the bombers which were built

later had neither the range nor the load capacity necessary for an offensive weapon. There were no four-engine bombers.

DR. STAHMER: Did you play any part in the attack on Warsaw?

KESSELRING: As Chief of Air Fleet 1, I led this attack.

DR. STAHMER: Did the military situation at the time justify this attack, and how was it carried out?

KESSELRING: Several attacks were made on Warsaw. In the German view, Warsaw was a fortress, and, moreover, it had strong air defenses. Thus the stipulations of the Hague Convention for land warfare, which can analogously be applied to air warfare, were fulfilled.

As to the first phase of the attack on Warsaw, according to the operational principle governing the employment of the Luftwaffe, the enemy air force and the aircraft factories in the immediate vicinity of the airfields were to be attacked. These attacks were in my opinion fully justified and they comply with the rules.

The second phase concerns the combating of the operational movements of the Poles. I may add that Warsaw is a junction for northern and central Poland. When our long-range reconnaissance reported—this was confirmed by the final phase—that the railway stations were crammed with material and that reinforcements in increasing numbers were moving on Warsaw, the air attack on these movements was ordered and carried out.

It was mainly directed against railway stations and sidings and the Vistula bridges. For the execution of these attacks I detailed Stukas and ground "strafer" aircraft, because the precision of these machines afforded the guarantee that mainly the military targets would be hit.

The third phase was the shelling of Warsaw. I consider the shelling to be an army action in which, at the request of the army, small units of the Luftwaffe were employed against military targets. I myself was over Warsaw, and after practically every air attack I consulted the army commanders about the execution. From my own experiences and reports I can assert that everything that was humanly possible was done to hit military targets only and to spare civilian targets.

DR. STAHMER: Can you confirm conclusively that these attacks were kept throughout within the limits of military necessity?

KESSELRING: Absolutely.

DR. STAHMER: Did you play any part in the attack on Rotterdam?

KESSELRING: As Air Force Chief 2, to which rank I had been promoted, I led air attacks on Holland, Belgium, and France, and

the airborne corps operated under my command also. The airborne corps was commanded by General Student, who asked for his paratroops to be supported by a bomber attack. General Student had such a comprehensive knowledge of the ground situation that he alone must be considered responsible for preparation and execution of the attack. The Fourth Air Corps was ordered to provide air support, and one group, the smallest unit necessary for this purpose, was employed. The attack was carried out solely in accordance with the tactical requirements and technical possibilities. The orders of General Student reached my command very early. Thus all preparations could be made leisurely according to plan. At the instance of the Reich Marshal the unit was informed of possible changes within Rotterdam and of the approach of Panzer divisions. The objective set by General Student was quite clear as to extent, central and key points, and occupation. It was not difficult for seasoned troops to grasp the objective. There was radio communication between General Student's command, my staff, and other staffs, including the Commander-in-Chief of the Luftwaffe. Any interruption of this communication could only have been a very short one as radio orders were transmitted by me or the Reich Marshal. The technique at that time made it possible to maintain contact through this radio communication between the tactical ground station and the flying unit via its ground station. The ground communications usual at that time such as flags, flares, and signal code designations at the front were maintained according to plan. They functioned without a hitch. In accordance with its training and its orders the formation had sent out a reconnaissance aircraft which kept them informed of the situation and the objective. In addition, by order of the Reich Marshal, there followed a General Staff officer attached to my air fleet who had the same mission.

DR. STAHMER: Had the order been given that the situation and the objective should be...

KESSELRING: I myself never had any doubt that the attack had to be carried out; I was only not quite sure whether or not it should be repeated. And this was the question to which the signals referred. Judging from my knowledge of General Student and—I stress this particularly—his technique in leading an attack and his clearly stated requirements, I had to expect the attack to be carried out.

The attack was carried out according to plan and time schedule. The report that the target had been accurately bombed came through very quickly together with the message that no further attacks were necessary. During the 3 days of fighting in Holland the Commander-in-Chief of the Luftwaffe was kept well informed. Particularly on the third day, that is, the day I am talking of, the Reich Marshal in his outspoken manner intervened more than usual

in the direction of the air fleet and did, in my opinion, everything that could possibly be done from such a high position. I do not remember any message to the effect that the bomber attack was no longer warranted by the tactical situation.

DR. STAHMER: Bombs are said to have been dropped when negotiations about capitulation had already started.

KESSELRING: As I said, no message to this effect had been received by the command, neither had the formation operating over Rotterdam picked up a message from the ground. Probably some confusion occurred at the command in Rotterdam itself of which I know nothing. Neither do I know about the agreements reached between General Student and the officer commanding the Dutch troops in Rotterdam. I wanted later to have a talk with General Student on this question, but it was not possible because of his having received a serious head injury. If, contrary to my firm conviction, the attack had been no longer warranted by the situation, this would be most regrettable. As a soldier of 42 years' standing, as an artillery man, as an airman, as a General Staff officer, and as a leader for many years, I wish to make it clear that this case was one of those unforeseeable coincidences of war which, I am sorry to say, occur in the armed services of all countries more frequently than one might think; only the world does not know.

DR. STAHMER: How do you explain the big fires that still broke out in Rotterdam?

KESSELRING: When I received the report from the formation I was very pleasantly surprised to learn that the effect of the bombing was confined to the target area, but this war has shown that most of the destruction is not caused by the bombs themselves, but by the spreading of fires. Unfortunately a bomb had hit a margarine or some other factory in Rotterdam, causing oil to run out and the fire to spread. As after the attack the capitulation was already effective, it should have been possible to prevent the fires from spreading by bringing in the fire services and the troops.

DR. STAHMER: What were the military consequences of this attack?

KESSELRING: The immediate consequence of the attack was the surrender of the Rotterdam troops. General Wenninger, who was air attaché at the time and who later was attached to my air fleet, told me that in consequence of this attack the whole of the Dutch Army capitulated.

DR. STAHMER: Did you lead the attack on Coventry in November 1940?

KESSELRING: As Chief of Air Fleet 2 I took part in this attack, without any doubt. I cannot say now whether Air Fleet 3 took part in it as well, but I did.

DR. STAHMER: What was the object of the attack?

KESSELRING: According to the target index kept by the archives department of the Commander-in-Chief of the Luftwaffe, Coventry was an English armament center; it was known as "Little Essen." This index was compiled with meticulous care by experts, engineers, and officers, and contained maps, charts, photographs, description of targets, key points, *et cetera.* I myself, as well as my men, was fully familiar with these details. Furthermore, I had the aforementioned General Wenninger and several engineers with the Commander-in-Chief of the Luftwaffe give lectures to the troops about targets, in order to make them acquainted with the nature of the targets, their vulnerability, and the effects of an air attack.

Preparations for an attack were made most conscientiously. I was very often present and the Reich Marshal himself occasionally inspected them. The case of Coventry was extremely simple, as during those nights favorable weather conditions prevailed, so that Coventry could be reached without radio navigation. The distribution of the targets in Coventry was likewise very simple, so that bombs could be dropped without the help of flares, and it was hardly possible to miss the target. But bombs follow the same law as other projectiles; in other words, in land and air warfare dispersion covers a wide range. With an air force this is the further peculiarity that if strong formations are employed not the individual target but only the target area as a whole can be aimed at, which naturally causes a deviation from the target itself. By order of the Commander-in-Chief of the Luftwaffe and on the reconnaissance pilot's own initiative, all hits and attacks were checked the following day by air photographs. The ground visibility was good but, as I already said in the case of Rotterdam, the destruction of the objective was not caused so much by the bombs themselves as by the spreading of fire.

I do not know whether I should add anything further. The Hague Convention on land warfare did not provide for the requirements of air warfare. In order to avoid an arbitrary selection of targets, the Supreme Command had to go into the question and issue general directives based on the preamble to the Hague Convention, the literature published in the meantime, and finally, the special conditions governing the Luftwaffe itself. Only those targets which we considered admissible according to international law were assigned to the air fleet or formation. This did not exclude the reconsideration and change of targets in individual cases, which were discussed with the Commander-in-Chief of the Luftwaffe, and we took the responsibility . . .

THE PRESIDENT: You are speaking too fast.

KESSELRING: By personal visits and other means we impressed upon our units the need to study preparation, the dropping of bombs, aiming, the meteorological conditions, so carefully that the highest degree of accuracy could be obtained and regrettable deviations into the perimeter of the objectives could be avoided. The case of Coventry was particularly fortunate as it presented an important military target, and no one could speak of it as an attack directed against the civilian population.

DR. STAHMER: I have no more questions.

THE PRESIDENT: Does any other defense counsel wish to ask questions?

DR. LATERNSER: Witness, since when were you commander of an army group?

KESSELRING: I became commander of an army group in September 1943 after, as commander of the German troops in the Supreme Command, I had already served in a supervisory capacity as far as general strategic and tactical questions were concerned.

DR. LATERNSER: The army group which you led was in Italy?

KESSELRING: The army group was in the Mediterranean area.

DR. LATERNSER: Do you know the composition of the General Staff and High Command group as presented by the Prosecution?

KESSELRING: Yes.

DR. LATERNSER: First I have a preliminary question. What is, strictly speaking, understood by the German General Staff of the individual branches of the Wehrmacht?

KESSELRING: The General Staff of the individual branches of the Wehrmacht comprises all those officers who assist the commanders-in-chief of the services and share their responsibility.

DR. LATERNSER: Would you please state how this group was composed and organized—in the Luftwaffe, for instance?

KESSELRING: The General Staff of the Luftwaffe was the equivalent of the General Staff of the Army and these organizations were as alike as two pins. The General Staff consisted of the central department, called the Operations Staff in the Luftwaffe, headed by the Chief of the General Staff, the operational departments, the organizational groups, the departmental chiefs of the Luftwaffe, the supply office, *et cetera*. The various commands, from the air fleet down to the division, the ground staff and the Luftgaue, had General Staff officers attached to them to assist in the command. A chief of general staff no longer bore co-responsibility, as was previously customary, since this was held to be inconsistent with the

Leadership Principle. These chiefs of general staffs and the chief of the central department of the General Staff exercised their influence regarding military and ideological training on all the General Staff officers within the Wehrmacht, without prejudice to the responsibility of the individual military commander.

DR. LATERNSER: If I summarize your reply that by General Staff of the Luftwaffe is meant the Chief of General Staff and the regimental staff officers, would I then be describing correctly the composition of the General Staff of the Luftwaffe?

KESSELRING: Most certainly.

DR. LATERNSER: Do you consider the term "General Staff" as has been employed in these proceedings to be in accordance with military usage?

KESSELRING: As I said before, the General Staff was composed of officers assisting in the command, which did not include the commanders and commanders-in-chief. According to German views they did not belong to that category, because not all the commanders and commanders-in-chief had had the same education and training as the General Staff officers. The commanders-in-chief were single individuals. They would be treated collectively only in connection with their rank as generals and for budget and pay purposes.

DR. LATERNSER: Would you consider it to be erroneous to apply the term "General Staff" to the high military commanders?

KESSELRING: According to the German conception it would be a misnomer.

DR. LATERNSER: Have at any time in the history of the Wehrmacht the high military commanders been subsumed under this group as is being done here?

KESSELRING: In Germany such subsumption was not indicated and for various reasons was not even admissible. Neither did the commanders-in-chief form a collective body to act in any way as a war council or as a similar assembly with definite tasks. They were not even, individually or collectively, members of the Reich Defense Council, but were only appointed *ad hoc* commanders of a front or a command post. To set up the commanders-in-chief as a collective body for any specific purpose was in my opinion quite impossible, for the simple reason that they were under the commander-in-chief of the Army, the Luftwaffe, or the Navy or under the High Command of the Armed Forces. Moreover, some were 100 percent under the German Supreme Command; others were 100 percent under Axis command. Some of them were under two different commands, some were independent commanders-in-chief, others were army commanders-in-chief subordinate to an army group.

DR. LATERNSER: You are speaking too fast. Had the commanders-in-chief only to work out military problems set before them, or did they themselves draw up plans and submit them to Hitler for consideration?

KESSELRING: The commanders-in-chief were purely military leaders, responsible only for the task allotted to them. Within the scope of this task they could submit suggestions or improvements, *et cetera,* to the OKW or to the OKH, but their activities in the sense of collaboration were limited to these suggestions.

DR. LATERNSER: You just mentioned improvements and modifications. Did this mean that the commanders-in-chief were expected to suggest modifications of a plan only from the military-technical aspect, or also to submit suggestions as to whether or not a plan should be carried out at all?

KESSELRING: Generally it meant suggestions for modifications from the military-technical aspect only. In matters of minor importance they had a say also as to policy. If, however, the highest authority had made a decision, the others kept silent.

DR. LATERNSER: We will revert to this later. Did the "General Staff" group as presented here ever meet collectively?

KESSELRING: No.

DR. LATERNSER: Were there any rules providing for the organization of this group?

KESSELRING: No.

DR. LATERNSER: Did any members of this group ever suggest a departure from the rules of international law?

KESSELRING: I do not think so; rather the contrary.

DR. LATERNSER: Was there a frequent reshuffle of the holders of the offices which make up this group, or did they hold the offices for a long period?

KESSELRING: In the course of the later years the commanders-in-chief and commanders were rather frequently reshuffled.

DR. LATERNSER: What do you know about the conferences Hitler held with high-ranking military leaders?

KESSELRING: There were two kinds of conferences. First, an important address before a campaign to the higher leaders taking part in it. The object of the address was generally to inform the leaders of the situation and to brief them. In view of the Führer's persuasive rhetoric it was hardly possible for us to take any stand in the matter, particularly as we were not informed about all the details. At such conferences discussions did not take place; they

were not allowed. There sometimes followed military-tactical consultations, and every leader had the chance of putting forward and stressing his views and requests. As I have said, we had no say in political questions. We were, as is known, faced with the accomplished fact, which we as soldiers had to accept.

DR. LATERNSER: Did you attend a conference held by Hitler on 22 August 1939, that is, shortly before the Polish campaign started?

KESSELRING: Yes.

DR. LATERNSER: Was it not made known at the end of this conference that we had concluded a treaty with the Soviet Union?

KESSELRING: At the end, after the address, we were all called together again and informed that the message had just been received that Russia would adopt benevolent neutrality.

DR. LATERNSER: What impression did this message have on you and the other high military leaders?

KESSELRING: It was a tremendous relief to me and to the others. Otherwise we could not have dismissed the possibility of an extension of the war toward the East. Now that Russia was going to hold herself aloof, the Luftwaffe at least—I speak as an army commander—had a superiority which guaranteed a rapid and decisive success, and which over and above this, in my opinion, would possibly prevent the expansion of the war.

DR. LATERNSER: In any case, the message was a great relief to you?

KESSELRING: Yes, very great.

DR. LATERNSER: Witness, can you tell me whether members of the General Staff and OKW group ever met and had discussions with leading politicians and Party men?

KESSELRING: If I may speak for myself, I was operating both in the Mediterranean area and in the West. In the Mediterranean area I had to work with the Gauleiter Rainer and Hofer and then in the West with . . .

DR. LATERNSER: That was not the point of the question. I wanted to know whether the high military leaders ever met and discussed any political plans with leading politicians.

KESSELRING: No, no. That I can definitely say was not the case. We as soldiers generally did not bother about politics. Political decisions were made by the politicians and we had to carry them out.

DR. LATERNSER: Among military leaders, as a result of their many years of experience in the Wehrmacht, which foster the

principle of giving the soldier a nonpolitical education, this attitude is customary, is it not?

KESSELRING: This policy has been developed in the German Army since the 18th century.

DR. LATERNSER: Do you know whether the higher military leaders had any contact with the Fifth Column?

KESSELRING: The military leadership had nothing to do with the Fifth Column. This was beneath us.

DR. LATERNSER: What was your impression of the conference Hitler held with the higher military leaders before the Eastern campaign started? Was the situation presented to you in such a way that war had to be considered unavoidable?

KESSELRING: I had the definite impression that the purpose of the address to the leaders was to convince them of the necessity of the war as a preventive war, and that it was imperative to strike before the building up and the mobilization of the Russian armed forces became a danger to Germany.

DR. LATERNSER: Could you state the reasons for your impression?

KESSELRING: As I have already said, the purpose of the address was to give us a convincing picture of the general situation, of the military situation and its time schedule—and it did convince us. In connection with the Russian campaign I should like to say that up to the last day of August I had no doubt...

THE PRESIDENT: Witness, will you go more slowly please and have some consideration for the interpreters.

DR. LATERNSER: Would you please repeat the last answer.

KESSELRING: I had still less reason to doubt Hitler's words because, up to the last moment, I, as Commander-in-Chief of Air Fleet 2, was engaged in operations against England and had had neither time nor the means to form a well-founded judgment of my own on the Russian situation. I had to confine myself...

DR. LATERNSER: This Trial has shown that the commanders-in-chief are being made responsible for what is bound to happen in a war. I should like you to describe the daily routine of a commander-in-chief of an army group, an army, or an air fleet.

KESSELRING: The daily routine depended of course on the personality of the individual leader. If I may speak of myself...

DR. LATERNSER: Witness, I ask you to be very brief.

THE PRESIDENT: Witness—Dr. Laternser, surely that is cumulative to what the witness has already been saying, and likely to be very long. About the description of the day of a commander,

this witness already said the commander had nothing to do with politics and nothing to do with the staff. Why should we be troubled with what the commander's day consists of?

DR. LATERNSER: Mr. President, I attach particular importance to this question for the following reasons: In view of the range of a commander-in-chief's activities, especially at the front, not every report can reach him because even reports from his own sector have to be dealt with by the respective officers. Thus, only those reports come to him which are of particular importance and of a decisive nature and which have a direct bearing on the conduct of the action.

THE PRESIDENT: Give it in that way then, rather than giving the witness a full day to describe.

DR. LATERNSER: Very well, I shall put it that way.

Witness, in view of the range of your activities as commander-in-chief did every report reach you, or only those which, after having been studied by the respective officers, were found to be of such importance that they had to be submitted to the commander-in-chief?

KESSELRING: Especially when an action was in progress all reports could not reach the commander-in-chief. In my particular case this was still less possible as I spent 50 to 70 percent of my time at the front. The staffs of the armies, air fleets, and navy units had to retain a responsibility of their own within their competence.

DR. LATERNSER: Did the many activities of a commander-in-chief allow all reports on violations of international law, even of a minor nature, to be submitted to him?

KESSELRING: This had to be aimed at. I doubt, however, for the afore-mentioned reasons, whether this was possible in every case.

DR. LATERNSER: In this matter, therefore, the commander-in-chief had to rely on his staff, had he not?

KESSELRING: Yes; 100 percent.

DR. LATERNSER: Were you commander-in-chief of an air fleet on the Eastern front from June to November 1941?

KESSELRING: Yes.

DR. LATERNSER: Did you hear anything about the extermination of Jews in the East?

KESSELRING: No.

DR. LATERNSER: Did you hear anything about the Einsatzgruppen of the SS?

KESSELRING: Nothing. I did not even know the name of these units.

DR. LATERNSER: Did you get to know anything about the regrettable order that Russian commissars were to be shot after their capture?

KESSELRING: I heard of this order at the end of the war. The air fleet, not being engaged in ground fighting, had actually nothing to do with this question. I think I can safely say the Luftwaffe knew nothing whatsoever about it. Though I very frequently had personal dealings with Field Marshal Von Bock, with commanders of armies and armored units, none of these gentlemen ever told me of such an order.

DR. LATERNSER: Did you know about the Commando Order?

KESSELRING: Yes, I did.

DR. LATERNSER: And what did you think of this order?

KESSELRING: I considered such an order, received by me as commander-in-chief in the Mediterranean, where I held a double post, as not binding for me, but as the outline of an order which left me a free hand in its application. On this question I held the view that it was for me, as commander-in-chief, to decide whether a Commando action was contrary to international law or whether it was tactically justified. The view adopted more and more by the army group, which view was directed by me, was that personnel in uniform who had been sent out on a definite tactical task were to be treated and considered as soldiers in accordance with the provisions of the Hague Convention for land warfare.

DR. LATERNSER: The Commando Order was consequently not applied within your command?

KESSELRING: In one case, yes, it was certainly applied.

DR. LATERNSER: Which case do you mean?

KESSELRING: I mean the case of General Dostler.

DR. LATERNSER: The case of General Dostler has already been mentioned in this Trial. Did you know about this case when it was pending?

KESSELRING: As a witness under oath I have stated that I cannot remember this case. I think there are two reasons why I was not informed of it. Firstly, after a conversation with my chief, who spoke to another commander about it, it appeared that none of us knew anything. Secondly, because of the gigantic operations on the Southern Front, I was more often absent than not from my headquarters.

DR. LATERNSER: Witness, if you had been called upon to make a decision on the Dostler case, how would you have decided?

KESSELRING: I am not well enough acquainted with the case. I know it only from hearsay.

MR. JUSTICE JACKSON: I do not think we can try Dostler's case, or that this witness should give his conclusions, inasmuch as Dostler's case has been tried by a competent court and that issue is disposed of. I have no objection to any facts that inform this Tribunal, but his conclusion as to the guilt of his fellow officer is hardly helpful.

THE PRESIDENT: Particularly as he said he cannot remember.

DR. LATERNSER: I withdraw the question.

Witness, can you quote other cases where the Commando Order was not applied in your area?

KESSELRING: Small scale landings behind the lines at Commazzio, south of Venice, also airborne landings north of Albenda in the region of Genoa and minor actions in the Lago di Ortona district. I am convinced the troops adopted this general view and acted accordingly.

DR. LATERNSER: You were commander-in-chief of an air fleet in the East. What can you say about the treatment of the Russian civilian population during the campaign?

KESSELRING: I was in Russia until the end of November and I can say only that the population and the troops were on the best of terms, and that the field kitchens were used everywhere for the benefit of the poor and the children; also that the morality of the Russian woman, which, as is known, is on a high level, was respected by the German soldiers to a remarkable extent. I know that my doctors, during the hours of attendance, were frequently consulted by the Russian population. I remember this, because the doctors spoke to me about the fortitude they showed in enduring pain. The war passed so quickly over the plains as far as Smolensk that the whole area presented quite a peaceful aspect; peasants were at work, fairly large herds of cattle were grazing, and when I visited the area I found the small dwellings intact.

DR. LATERNSER: Did you hear of any excesses committed by German soldiers in the East? Whenever cases of violations of international law were reported to you, did you take action with all the means at your disposal?

KESSELRING: I at least tried to do so, if only for the sake of maintaining the reputation of the German Wehrmacht and also in the interests of the relations of the Wehrmacht with our Italian allies. I therefore thought it expedient to deal severely with any German soldier who committed an offense. As I was mindful of the fact that war is a brutal business and the longer it lasts the more brutal it becomes, particularly if the leaders and subordinates are no longer able to cope with their tasks, I had recourse to preventive measures. The preventive regulations, which I am sure

were seen at many places by the Allied Forces during their advance through Italy, my various announcements of the penalties imposed which became generally known, are the best proof of what I just said.

As a preventive measure I ordered whole towns, or if this was not possible, their centers to be cleared of military and administrative offices and soldiers, and barricaded off. Furthermore, as far as air raid precautions allowed, the soldiers were garrisoned and billeted in confined areas. I also ordered detached individual soldiers, who are usually the cause of such trouble—for instance soldiers going on and returning from leave—to be grouped together, and nonmilitary vehicles to form convoys. For control purposes I had cordons drawn by military police, field police, gendarmes, with mobile courts and flying squads attached to them.

The buying-up of Italian goods, which was partly the cause of the trouble, was to be restricted by establishing stores, in cooperation with the Italian Government, along the return routes, and here the soldiers could buy something to take home. This was enforced by penalties. German offenders reported to me by the Italians, I had prosecuted or I myself took proceedings against them. Whenever local operations prevented my personal intervention, as for instance at Siena, I notified the Wehrmacht that I would have the case dealt with by court-martial at a later date. In other cases, when the situation was critical, I declared an emergency law and imposed the death penalty for looting, robbery, murder, *et cetera*. The death penalty was, however, rarely found to have a deterrent effect. I took action against officers who, naturally disposed to shield their men, had shown too great leniency.

I understand all files are available here, so that all details can be seen from the marginal notes on the reports sent in by the military police.

DR. LATERNSER: Witness, do you also know of any violations of international law by the other side?

KESSELRING: During my many visits to the front I did, of course, come across a large number . . .

GEN. RUDENKO: I protest against this question. In my opinion, the witness is not the person to make any statement as to whether Germany's enemies have violated international law. I think this question should be omitted.

DR. LATERNSER: May I explain my point? I am interested in an answer to this question because I want to follow it with the further question to the witness, whether after he heard of violations of international law by the other side, he became more lenient

concerning violations of international law by his own men. That is why I am anxious to have this question answered.

THE PRESIDENT: The Tribunal would like to know exactly what your question is and why you say it is competent.

DR. LATERNSER: The exact wording of the question is as follows:

I asked the witness, "Do you also know of any violations of international law by the other side?"

According to his answer I intend to put the further questions to the witness, whether, in view of such violations of international law by the other side, he either did not punish at all or dealt more leniently with violations of international law by his own men.

From the answer to this latter question I want to ascertain the attitude of the witness as a member of the group, and that is why I consider the answer to the first question to be important.

THE PRESIDENT: The Tribunal would like to hear what Counsel for the United States says about it.

MR. JUSTICE JACKSON: If Your Honor please, I believe it is a well-established principle of international law that a violation on one side does not excuse or warrant violations on the other side. There is, of course, a doctrine of reprisal, but it is clearly not applicable here, on any basis that has been shown.

In the second place, even if the treatment of the subject matter were competent, I think it is being improperly gone into in this manner. Here is a broad question, "Did you hear of violations of international law?" It would at least, even if the subject were proper, require that some particularity of a case be given. A broad conclusion of a charge—a violation of international law—would hardly be sufficient to inform this Tribunal as to the basis on which this witness may have acted.

If there were some specific instance, with credible information called to his attention, there might be some basis; but surely the question as asked by counsel does not afford a basis here.

It seems to me we are getting far afield from the charges here and that this is far afield from anything that is involved in the case. I do not know what particular atrocities or violations of international law are to be excused by this method. There must have been atrocities committed, on the basis of which there is sought to be excused atrocities committed by somebody else. Who else committed them, why they were committed, is a subject we might have to try if we went into this subject. It seems to me that the inquiry is quite beside the point, and even if it were not, if there were any way that it is within the point, it is improperly put in this manner.

DR. STAHMER: This question, which is of fundamental importance, was argued before this Tribunal some time ago. This was when I applied for permission to be given to produce White Books containing reports on atrocities. I think it was during the sitting of 25 February.

At that time Professor Exner defined his attitude to this question and the Tribunal then permitted me to produce these White Books, with the proviso that I would still have to state what I intended to present from these books.

Already on that occasion attention was drawn to the importance of the question of whether atrocities were committed by the other side as well, because this very point may contribute to a more just and possibly to a more lenient judgment of German behavior. The motive of an act has always a decisive bearing on the findings, and the view will be taken here that an act on the German part will be judged differently if the other side has not really shown entirely correct behavior.

Furthermore it is an important question whether measures taken may have been reprisals. On the strength of these considerations I hold that this important question should be admitted.

THE PRESIDENT: The Tribunal will adjourn for 10 minutes.

[A recess was taken.]

THE PRESIDENT: The Tribunal have considered the questions which Dr. Laternser proposed to put to the witness and have also considered the objections made by General Rudenko and Mr. Justice Jackson, and they hold the questions are inadmissible.

DR. LATERNSER: Mr. President, I assume that I am allowed to put the following question.

[Turning to the witness.] Witness, did you either not punish at all or deal more leniently with violations of international law by your own men when violations of this law by the other side were reported to you?

THE PRESIDENT: That seems to me to be putting in one question what before you put in two.

DR. LATERNSER: Mr. President, this question is not meant to cause the witness to give instances of violations of international law by the other side. From the answer, I merely want to ascertain the fundamental attitude of the witness, namely whether he, as commander-in-chief, dealt most severely with violations of international law by his own men even if violations on the other side were reported to him. I withdraw the question.

THE PRESIDENT: The Tribunal would see no objection in your asking the witness whether he was anxious to avoid violations of international law; if you wish to put that question to him there will be no objection to that question. The question which you have suggested putting is really identical with the questions you put before.

DR. LATERNSER: Witness, during this Trial severe accusations have been made because of atrocities committed by German soldiers. Was not every soldier sufficiently enlightened and instructed about the regulations of international law?

KESSELRING: I answer this question in the affirmative. The many talks given by me and the commanders under me always contained such admonitions and instructions.

DR. LATERNSER: Did you, as commander of an army group, spare art treasures and churches as far as possible?

KESSELRING: I regarded it as a matter of course as my duty to spare centers of art and learning and churches, and I gave orders accordingly, and acted accordingly myself in all my operations and tactical measures.

DR. LATERNSER: What do you know about the treatment of prisoners of war who had fallen into German hands?

KESSELRING: Prisoners of war were treated according to international law. Wherever inspections ordered by me revealed any neglect, I had it redressed and reprimanded the commandant in charge.

DR. LATERNSER: I have still three more questions. Were you, as Field Marshal, informed that Italy would enter the war?

KESSELRING: No, I had not been informed about that. As far as I know, the entry of Italy into the war was so spontaneous that even the political leaders were surprised.

DR. LATERNSER: And were you informed that war would be declared upon America?

KESSELRING: No. I cannot say anything about this question.

DR. LATERNSER: And now the last question. What was the position regarding the resignation of military leaders during the war?

KESSELRING: Resignation from the Wehrmacht of one's own free will, or an application for permission to resign from the Wehrmacht, was not allowed. In 1944 there was an order prohibiting this under threat of the severest penalties. The Supreme Commander of the Wehrmacht reserved for himself the exclusive right to make changes of personnel in the leading positions.

DR. LATERNSER: Was there a written order to this effect?

KESSELRING: Yes, I think so.

DR. LATERNSER: I have no further questions.

DR. JAHRREISS: Witness, you said before that the commanders-in-chief had, in military matters, the right and the opportunity to present their demands and views to Hitler, the Supreme Commander of the Wehrmacht. Did I understand that correctly?

KESSELRING: Yes.

DR. JAHRREISS: Did you personally have differences of opinion with Hitler?

KESSELRING: Considerable differences about operational and tactical questions.

DR. JAHRREISS: Did it come to a real clash?

KESSELRING: "Clash" is perhaps putting it too strongly; rather a divergence of opinion on either side.

DR. JAHRREISS: Shall we say disputes? Were they frequent?

KESSELRING: Yes.

DR. JAHRREISS: After all we have heard here, Adolf Hitler must have been a rather difficult customer.

KESSELRING: That must be admitted. On the other hand, I found him—I do not know why—understanding in most of the matters I put to him.

DR. JAHRREISS: Did you yourself settle these differences of opinion with Hitler?

KESSELRING: In critical cases Colonel General Jodl called me in if he could not carry his point.

DR. JAHRREISS: If you could not carry the point?

KESSELRING: No, if Jodl could not carry the point.

DR. JAHRREISS: If Jodl could not carry the point, you were called in?

KESSELRING: Yes.

DR. JAHRREISS: Did Jodl's opinions, too, differ from Hitler's?

KESSELRING: On the various occasions when I attended for reporting I observed very definite differences of opinion between the two gentlemen, and that Jodl—who was our spokesman at the OKW—put his point of view with remarkable energy and stuck to it right to the end.

DR. JAHRREISS: What do you mean, he was your spokesman? Whose spokesman?

KESSELRING: My theaters of war, speaking as a general in the Wehrmacht, were so-called OKW theaters of war, and the East was

an Army theater of war. The East was an Army theater of war, whereas the others were OKW war theaters.

DR. JAHRREISS: Had the OKW no say regarding the Army theaters of war in the East?

KESSELRING: No.

DR. JAHRREISS: And the Army had no say regarding the OKW theater of war?

KESSELRING: No.

DR. JAHRREISS: I think not everybody will be able to understand this difference.

KESSELRING: It would be asking too much, because I myself cannot understand it.

DR. JAHRREISS: So, you were in an OKW theater of war?

KESSELRING: Yes.

DR. JAHRREISS: What does OKW mean in this connection?

KESSELRING: Supreme Command of the Armed Forces.

DR. JAHRREISS: Yes, I know that.

KESSELRING: It meant that the commander-in-chief was directly under Adolf Hitler, and headquarters under Jodl's operations staff.

DR. JAHRREISS: In a previous interrogation you spoke of orders from the OKW, did you not?

KESSELRING: Yes.

DR. JAHRREISS: Who is the OKW? Who gave orders?

KESSELRING: Orders of a fundamental nature were issued by one person only, and that was Adolf Hitler. All the others were only executive officers. This did not prevent these executive officers from holding views of their own or sharing the views of the army groups under them. They presented these views energetically to Adolf Hitler.

DR. JAHRREISS: What you are saying now rather surprises me, since the opinion had been voiced that Jodl, who you say was a kind of spokesman for the commanders-in-chief, was a willing tool of Adolf Hitler.

KESSELRING: I think the one does not exclude the other. I cannot imagine any marriage of 6 years standing without both partners having tried to understand each other. On the other hand, I can very well imagine that even in the happiest marriage serious quarrels occur.

DR. JAHRREISS: But in the average marriage the husband does not necessarily have to be a willing tool.

KESSELRING: Here the situation is still a little bit different. As with all comparisons, this comparison with marriage does not go the whole way. In addition to this, in the army there is the principle of unquestioning subordination.

DR. JAHRREISS: Yes, but what you have just told us, about Jodl's position as spokesman for the commanders-in-chief, sounds as if Jodl acted as an intermediary, does it not?

KESSELRING: Jodl represented our interests in an outstanding way and thus acted as an intermediary for all of us.

DR. JAHRREISS: Did he also pit his opinions against those of Adolf Hitler when Adolf Hitler, in one of his famous fits of rage, had issued an order?

KESSELRING: I can state only that, on the occasion of my few visits to headquarters, I saw Colonel General Jodl grow red in the face, if I may say so, and in expressing his views he went very near the limit of what is permissible for a military man.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 13 March 1946 at 1000 hours.]

EIGHTIETH DAY

Wednesday, 13 March 1946

Morning Session

THE PRESIDENT: The Tribunal has made an order with respect to further proceedings on the charge against organizations and the applications of members thereof. I do not propose to read that order, but the order will be posted on the Defense Counsel's information board and will be communicated to them and to the Prosecution.

Dr. Jahrreiss, had you finished your examination?

DR. JAHRREISS: Yes.

THE PRESIDENT: Very well. Does any other of the Defense Counsel wish to examine the witness?

[The witness Kesselring resumed the stand.]

DR. KAUFFMANN: Witness, have you any recollection when the Defendant Kaltenbrunner first came into the public eye?

KESSELRING: I have no knowledge of Kaltenbrunner's becoming particularly prominent in the public eye. I heard the name Kaltenbrunner for the first time when he appeared as successor to General Canaris.

DR. KAUFFMANN: Have you any recollection of him being made the Chief of the Reich Security Main Office in January 1943?

KESSELRING: I may have heard of it, but I have no certain recollection of it.

DR. KAUFFMANN: Kaltenbrunner states that in April 1945 he tried to save the country of Austria from further acts of war. Have you by chance any recollection of that?

KESSELRING: I merely heard that Kaltenbrunner was one of those persons who were working for an independent Austria, but I have no definite, accurate knowledge of the situation.

DR. KAUFFMANN: Furthermore, Kaltenbrunner states that he, on the basis of an agreement with the Red Cross at Geneva, had arranged for the return of civilian internees to their homeland through the firing line. He had communicated a request to your office—not to you personally—to the effect that a gap should be created in the fighting line to let these civilian internees go home. Do you happen to remember that?

KESSELRING: It is quite possible that such a request was actually submitted. It did not come to my personal knowledge, because I was away from my office a great deal.

DR. KAUFFMANN: Witness, have you any recollection when concentration camps were first established in Germany?

KESSELRING: Yes. It was in 1933. I remember three concentration camps, but I do not know exactly when they were established: Oranienburg, which I often passed by and flew over; Dachau, which had been discussed vehemently in the newspapers; and Weimar-Nora, Weimar, a concentration camp which I flew over quite frequently on my official trips. I have no recollection of any other concentration camps; but perhaps I may add that, as a matter of principle, I kept aloof from rumors, which were particularly rife during those periods of crisis, in order to devote myself to my own duties which were particularly heavy.

DR. KAUFFMANN: Regarding the internees in the concentration camps, did you have any definite idea as to who would be brought to these concentration camps?

KESSELRING: I had an idea, without knowing where I got it from, which seemed plausible to me; namely, that the National Socialist Revolution should be achieved without the loss of life, and that political opponents should be detained until the founding of the new State had given sufficient security for them to return to public life. That is my knowledge of the situation, from which I conclude, in order to answer your question, that these people must, for the most part, have been persons who were opposed to the National Socialist ideology.

DR. KAUFFMANN: Have you ever thought what the treatment in these concentration camps would be like according to your idea? What was your conception of the treatment of the prisoners in the camps? There may perhaps be a difference according to whether you think of the earlier or the later years?

KESSELRING: I know nothing about the methods of treatment in the camps. During the earlier years, when I was still working in Germany, rumors were heard to the effect that treatment was normal. In the later years I was abroad, that is to say, in theaters of war outside Germany; and I was so far away that I knew nothing whatsoever of these incidents and did not ask for any information about them.

DR. KAUFFMANN: Is it right therefore to assume that as far as the atrocities were concerned which did actually occur, you had no positive knowledge?

KESSELRING: No, I did not have any positive knowledge, not even in March 1945, when I became Supreme Commander in the

West. Even then the occurrences in the concentration camps were completely unknown to me. This I attributed to two reasons: First, the personal attitude which I expressed earlier, that on principle I concerned myself only with my own business—which in itself was sufficiently extensive, and secondly, that within the State a police state had developed which had hermetically sealed and closed itself off from the rest of the world.

DR. KAUFFMANN: Have you any proof that there was more knowledge in your officers' circles than what you have just described with regard to yourself?

KESSELRING: I was in very close contact with my officers and I do not believe that there can have been a large number of officers who knew more about these things. Of course I cannot give information regarding individuals.

DR. KAUFFMANN: Did you know that Hitler had decided to eliminate the Jewish people physically?

KESSELRING: That was absolutely unknown to me.

DR. KAUFFMANN: Did you not have frequent opportunities to discuss ideological questions with Hitler?

KESSELRING: Whenever I was at headquarters only military and similar questions concerning my theater of war were discussed during the official part of the conversation. When I was invited to a meal, then historical matters or matters of general interest were usually discussed, but acute political problems or ideological questions never came up for discussion. I personally cannot remember any instance when Hitler influenced me, or any of the other generals, in any way whatsoever with regard to professing themselves active National Socialists.

DR. KAUFFMANN: Did you believe in Hitler's personality in the sense that Hitler was determined to lead the German people to a better Germany, with consideration for personal freedom and respect for human dignity? What was your conception about that?

THE PRESIDENT: What is the relevancy of a witness' belief upon a subject of that sort? What relevancy has it got to do with any part of the case of the Defendant Kaltenbrunner? The Tribunal considers this sort of question a waste of the Tribunal's time.

DR. KAUFFMANN: Is it correct that in the absolute leadership state which existed in Germany any opposition by a human being to a superior order was impossible?

KESSELRING: In that form I would not deny that. One could certainly represent one's own views against another view. But if one's own views were rendered invalid by a decision, absolute obedience became necessary, and its execution was demanded and

ensured under certain circumstances by the application of penal law. Resistance to that order, or an order, was, according to our knowledge of the personality and attitude of Adolf Hitler, out of the question and would have achieved nothing.

DR. KAUFFMANN: Would not a person attempting to resist a finally issued order have to consider whether he might not be risking his life?

KESSELRING: During the later years that was an absolute certainty.

DR. KAUFFMANN: Did you at any time think the war could not be won, and if so, when?

KESSELRING: In 1943, the possibility had to be considered that a victorious peace might not be achieved. I emphasize expressly that one had to consider that possibility, for by observing certain organizational or operational measures, the situation might still have been reversed.

DR. KAUFFMANN: Did you ever discuss this question with someone of importance—the misgivings which you may have had about the continuance of the war?

KESSELRING: At various times when I discussed my own military sector, I referred to certain difficulties which might influence the outcome of the war in general; however, as representative of one military sector, I considered myself in no way entitled to judge the entire military situation, since I could not, from my limited viewpoint, judge the situation regarding production and the organization of manpower reserves. And as I said before, I refused, as an amateur, to make any statement about a situation, which under certain circumstances might have been regarded as official as it would have had the signature of Field Marshal Kesselring.

THE PRESIDENT: Will you kindly explain to the Tribunal what relevancy the last two or three questions have to the case of Kaltenbrunner?

DR. KAUFFMANN: The same applies to Kaltenbrunner, that he could not, as he says, resist an order. It would have meant the loss of his life.

THE PRESIDENT: You asked the witness whether at any time during the war he thought how long the war would last. What has that got to do with Kaltenbrunner?

DR. KAUFFMANN: The Prosecution accuses several defendants of having continued the struggle in spite of the fact that they knew it was hopeless, and of having prolonged the war. That is the problem I wish to clarify in my last question.

THE PRESIDENT: I do not think it was put specifically against Kaltenbrunner. If it is your last question you may put it.

DR. KAUFFMANN: If I understand you correctly, Witness, what you are trying to explain is that the leading motive of your continuing to fight was also your duty towards your country?

KESSELRING: That is a matter of course. I had other motives too. One was that the possibility of a political termination of the war was denied, at least officially; but that I believed in it, and I am still convinced of it today, may be proved by the fact that I personally, together with Obergruppenführer Wolff, undertook negotiations through Switzerland with an American, in order to prepare the ground for a political discussion to that end.

DR. KAUFFMANN: Mr. President, I have no further questions.

THE PRESIDENT: Any other Counsel for the Defense?

HERR PELCKMANN: Witness, Dr. Kauffmann asked you whether the officers' corps had any knowledge of the conditions and the establishment of concentration camps. Do you know that within the Armed Forces so-called national-political instruction courses were held?

KESSELRING: Yes, I know of that.

HERR PELCKMANN: May I ask you whether you know that during one of the Armed Forces national-political courses of instruction, which were held from 15 to 23 January 1937, and I am referring now to Document Number 1992(a)-PS concerning the establishment of concentration camps, Himmler, the SS Leader, in the presence of the assembled officers, made a speech more or less to this effect:

> "Naturally, we make a difference between inmates who may be there for a few months for educational purposes, and those who will be there for a long time."

I skip a few sentences, and come to the ones I consider important:

> "The order begins by insisting that these people live in clean barracks. This can, in fact, only be achieved by us Germans, for there is hardly any other nation which would act as humanely as we do. Linen is frequently changed. The people are instructed to wash twice a day, and the use of tooth brushes is advised, a thing which is unknown to most of them."

Do you know that the Armed Forces were given instructions of this kind, which, as we know today, do not correspond to conditions as they really were?

KESSELRING: As I said earlier, we did not concern ourselves with such questions at all, and this lecture by Himmler is unknown to me.

HERR PELCKMANN: Unknown. Thank you.

THE PRESIDENT: Does any other Defense Counsel wish to ask any questions? Then the Prosecution may cross-examine.

MR. JUSTICE JACKSON: You understand, Witness, in giving your testimony, as to the definition of the High Command and the General Staff, as that definition is included in the Indictment, you are accused as a member of that group, do you not?

KESSELRING: I understand.

MR. JUSTICE JACKSON: And that you are testifying here virtually as one of the defendants?

KESSELRING: I understand.

MR. JUSTICE JACKSON: You have spoken of the establishment in Germany of a police state by the National Socialist Party, and I want to ask you whether it is not a fact that the police state rested on two institutions very largely, first, the Secret State Police, and secondly, the concentration camps?

KESSELRING: The assistance by the police is an established fact to me. The concentration camp was, in my opinion, a final means to that end.

MR. JUSTICE JACKSON: And both the secret police and the concentration camp were established by Hermann Göring, is that not a fact known to you?

KESSELRING: The Secret State Police was created by Hermann Göring. Whether it was formed by Himmler...

MR. JUSTICE JACKSON: Your lectures will be reserved for your own counsel, and I shall ask to have you so instructed. Just answer my questions. Was not the concentration camp also established by Hermann Göring?

KESSELRING: I do not know.

MR. JUSTICE JACKSON: You do not know that. Did you favor the police state?

KESSELRING: I considered it as abnormal according to German conceptions that a state had been formed within a state thus keeping certain things away from public knowledge.

MR. JUSTICE JACKSON: Did you ever do anything or can you point to anything that you did in public life to prevent that abnormal condition coming to Germany?

KESSELRING: I cannot remember anything, except that during conversations with my superiors I may have brought the point up for discussion. But I emphasize expressly that in general I confined myself to my own sphere and my own tasks.

MR. JUSTICE JACKSON: Do you want this Tribunal to understand that you never knew that there was a campaign by this state to persecute the Jews in Germany? Is that the way you want your testimony to be understood?

KESSELRING: A persecution of the Jews as such was not known to me.

MR. JUSTICE JACKSON: Is it not a fact that Jewish officers were excluded from your army and from your command?

KESSELRING: Jewish officers did not exist.

MR. JUSTICE JACKSON: Is it not a fact that certain officers of your army, certain officers of the Luftwaffe, took steps to Aryanize themselves in order to escape the effect of Göring's decrees? Did you know about that?

KESSELRING: I heard rumors to that effect.

MR. JUSTICE JACKSON: Any Aryanizing, where the father was suspected of Jewish ancestry, consisted in showing that the normal father was not the actual father, did it not?

KESSELRING: I admit that. Naturally there are other cases as well.

MR. JUSTICE JACKSON: Yes. It might be that the mother was suspected of Jewish ancestry?

KESSELRING: That in certain exceptional cases certain facts were overlooked.

MR. JUSTICE JACKSON: Yes. Did you know anything about the Jewish riots, anti-Jewish riots of November 9th and 10th in Germany in 1938?

KESSELRING: Are you talking about the "Mirror Action" (Spiegelsache)? I am not sure which day you are talking about.

MR. JUSTICE JACKSON: I am talking about the riots in which synagogues were burned, which made Göring so very angry. Did you not hear about that in 1938?

KESSELRING: No, I did not hear anything about it.

MR. JUSTICE JACKSON: Where were you in 1938?

KESSELRING: In 1938 I was in Dresden.

MR. JUSTICE JACKSON: In November?

KESSELRING: In November I was in Berlin as Chief of the Air Force.

MR. JUSTICE JACKSON: In Berlin. And you never heard about the anti-Jewish riots of the 9th and 10th of November 1938?

KESSELRING: I only heard about the so-called "Mirror or Glass Campaign (Spiegel- oder Glas-Campagne)."

MR. JUSTICE JACKSON: What was that? You have me down. I do not know anything by that name.

KESSELRING: That was the smashing of shop windows and more, which assumed rather large proportions in Berlin.

MR. JUSTICE JACKSON: You did hear, then, about the anti-Jewish riots?

KESSELRING: About those, yes.

MR. JUSTICE JACKSON: And did you hear that Hermann Göring issued a decree confiscating the insurance that was to make reparations to those Jews who owned shops? Did you hear about Göring's action in that respect?

KESSELRING: I did not quite understand. May I ask to have it repeated?

MR. JUSTICE JACKSON: Did you hear about the decree passed by Hermann Göring a few days later, November 12th, to be exact, confiscating the insurance of the victims of those raids and fining the Jewish community a billion Reichsmark?

KESSELRING: It is possible that I heard about it at the time, but I now have no certain recollection.

MR. JUSTICE JACKSON: But you did hear about it. You did not regard those things as persecution?

KESSELRING: Naturally I must regard this "Glass Campaign" as an excess against the Jews.

MR. JUSTICE JACKSON: You have stated, as I understand you, based on your experience with Hitler, that it was permissible for officers to differ with him in opinion so long as they obeyed his orders. Is that what you want understood?

KESSELRING: I have to apologize, but I did not quite understand the last half of that sentence.

MR. JUSTICE JACKSON: I have understood from your testimony this morning that you felt perfectly free to disagree with Hitler and to make suggestions to him and give him information, but that, after his mind was made up and an order issued, it had to be obeyed. That is to say...

KESSELRING: Yes.

MR. JUSTICE JACKSON: That is to say, an officer was at all times at liberty to go to Hitler and give him technical information, such as the state of the preparedness of his branch of the service?

KESSELRING: Generally speaking, no. For that purpose the commanders-in-chief of the branches of the Armed Forces concerned were the only people admitted.

MR. JUSTICE JACKSON: So the only channel through which information as to the state of the Air Force would reach Hitler was through Hermann Göring, is that a fact?

KESSELRING: Hermann Göring and, from time to time, State Secretary Milch, deputy of the Reich Marshal.

MR. JUSTICE JACKSON: If Hitler was about to engage in a war for which the Luftwaffe was unprepared, based on your information of the situation, would it or would it not have been possible for the Luftwaffe officers to have advised Hitler of that fact?

KESSELRING: We had complete confidence in our Reich Marshal, and we knew that he was the only person who had a decisive influence upon Adolf Hitler. In that way we knew, since we also knew his peaceful attitude, that we were perfectly secure, and we relied on it.

MR. JUSTICE JACKSON: There came a time when you went into the East, did you not, as a commander? You went into Poland and you went into Soviet Russia, did you not?

KESSELRING: Poland and Russia, yes.

MR. JUSTICE JACKSON: And was it not understood among the officers in those Polish and Russian campaigns that the Hague regulations would not be applied to Soviet Russia as to the treatment of prisoners of war?

KESSELRING: That was not known to me.

MR. JUSTICE JACKSON: You have testified that the Luftwaffe was purely a weapon of defense, is that your testimony?

KESSELRING: Yes.

MR. JUSTICE JACKSON: What was the German strength at the beginning of the Polish campaign in various types of planes?

KESSELRING: As I was not a member of the central board I can give you only an approximation on my own responsibility, without guaranteeing the historical certainty of these figures. All told, I would say we must have had approximately three thousand aircraft. All in all, so far as I can remember now, there were between thirty and forty bomber groups, the same number of fighters, and there were ten groups of dive-bombers, fighters . . .

MR. JUSTICE JACKSON: Will you give me the number of each group?

KESSELRING: About thirty aircraft, which would drop to seven, six or five aircraft during the course of the day. To continue, there were ten to twelve groups of dive-bombers, including ground

"strafers" and twin-engine fighters. Also included in that figure were reconnaissance planes and a certain number of naval aircraft.

MR. JUSTICE JACKSON: And the proportion of bombers to fighters was approximately two to one, was it not?

KESSELRING: The proportion of bombers to fighters was about one to one or one point two, or one point three to one. I said thirty to forty and about thirty fighter groups. If I include the twin-engine fighters, then the figure would be about one to one.

MR. JUSTICE JACKSON: That is the way you make up the total of about three thousand units?

KESSELRING: The reason why I can give you that figure is because during these months of quiet reflection I made an estimate, without thereby revealing the historical truth.

MR. JUSTICE JACKSON: Now, do you count as a weapon of defense the bomber, or do you treat that as an offensive weapon?

KESSELRING: I must speak of the bomber in the same way as the dive-bomber and the fighter, equally as a defensive and as an offensive weapon. I explained yesterday that no matter whether defensive or offensive warfare is concerned, the task of the air force must be carried out on the offensive and the targets are far and wide. I also explained that an air force which has only light aircraft is doomed to be destroyed, since it cannot attack the phases of the enemy's aircraft production, his air assembly areas, nor his movements in various sectors.

MR. JUSTICE JACKSON: In other words, the Luftwaffe was a defensive weapon if you were on the defensive, and an offensive weapon if you were on attack?

KESSELRING: I did not understand the last half of the sentence.

MR. JUSTICE JACKSON: The Luftwaffe would serve as a defensive weapon if you were on the defensive, and as an offensive weapon if you were on attack, is that not true?

KESSELRING: One could put it like that. I would express it differently. As I said, the air force is essentially an offensive weapon, no matter whether it is used for defense or for attack.

MR. JUSTICE JACKSON: I think you have improved on my sentence. Now, in the Netherlands, in Poland . . .

KESSELRING: May I just say something else on the subject?

MR. JUSTICE JACKSON: Yes, yes.

KESSELRING: Namely, what I said yesterday at the very end, that the essential of an offensive air force is the long-distance four-engine heavy bombers, and Germany had none of these.

MR. JUSTICE JACKSON: How did it come that Germany had none of those?

KESSELRING: Firstly, because being actually in a period of danger, we were confining ourselves to the absolute essentials of a defensive air force only.

Secondly, we tried, in keeping with our characteristics, to achieve as much as possible by precision bombing, in other words, by dive-bombing, utilizing the minimum of war material, and I am here thinking of the Ju 88 as a typical example of that.

MR. JUSTICE JACKSON: You were examined by the United States Strategic Bombing Survey, were you not, on the 28th of June 1945? Do you recall that?

KESSELRING: Yes, of course.

MR. JUSTICE JACKSON: Well, it is quite certain, is it not?

KESSELRING: I have often been interrogated.

MR. JUSTICE JACKSON: Now, I ask you whether on the 28th of June 1945, you did not say to the officer examining you on behalf of the United States Strategic Bombing Survey this:

> "Everything had been done to make the German Air Force from the point of view of airmanship, aircraft, flak, air corps, signals, and so forth, the most formidable in the world. This effort led to the fact that at the beginning of the war, or in 1940 at the latest, from a fighter viewpoint, from a dive-bomber viewpoint, from a combat viewpoint, we had particularly good aircraft, even if the standard was not uniform entirely."

Did you not state that?

KESSELRING: That is still my view today, that as far as material, pursuit planes, dive-bombers, and fighters were concerned, we did in fact have a certain advantage over the other powers.

MR. JUSTICE JACKSON: Now, as to the failure to have the number of four-engine bombers; that was because of your peaceful intentions, was it, or was it because of mistake in judgment as to what the requirements of war would be?

KESSELRING: To that I must say the following: It would have been insanity on the part of the Air Force leaders to consider producing a complete air force within 3 to 4 years. It was in 1940, at the earliest, that the possibility existed of building up an effective air force which would comply with all requirements. For that reason, in my view, it was an amazing achievement of organization to have attained such effectiveness under the existing limitations.

MR. JUSTICE JACKSON: I understood you to give as one of the indications of your unaggressive intentions the fact that you had

not an adequate number of four-engine bombers at the outset of the war. Did I misunderstand you?

KESSELRING: That is an excerpt from the whole story. The strength of the Air Force was, particularly in comparison with the small states, to be regarded as sufficient; certainly not, however, in comparison with powerful opponents who were fully equipped in the air.

I have an example in mind. In a heated discussion with the Reich Marshal, before the beginning of the Russian campaign, I asked for reinforcements for fighters and dive-bombers. For certain reasons that was refused. The certain reasons were, firstly, shortage of material, and secondly, which I could also gather from the conversation, that the Reich Marshal did not agree with this campaign.

MR. JUSTICE JACKSON: Did you not testify to the Bomber Investigating Commission of the United States that you intended to build a long-range heavy bomber but—and I quote your words:

"We had developed the He 111 and the Ju 88 and they were actually put into the fighting as long-range heavy bombers. The Ju 88 was then used in the French campaign and against England.

"Question: The Ju 88 is not really a long-range bomber?"

Your answer:

"It was considered a long-range bomber at that time, but unfortunately we had a low opinion of the four-engine aircraft, and an erroneous belief which proved to be a mistake in the course of later years."

Is that true?

KESSELRING: That was my opinion.

MR. JUSTICE JACKSON: And the reason you did not build the four-engine aircraft was your low opinion of it?

KESSELRING: May I say the following: That was the conception of a service department; the decisions in all these questions were made in the highest service department.

MR. JUSTICE JACKSON: The highest service department made a mistake about the utility of the four-engine bomber?

KESSELRING: Well, looking at the situation retrospectively, I must say that the absence of a four-engine bomber became extremely awkward.

MR. JUSTICE JACKSON: And that the highest authority in aircraft production was Hermann Göring. He was the head of the whole plan of aircraft production, was he not?

KESSELRING: Yes, that is correct but it did not exclude the fact that erroneous conceptions of certain measures for the conduct of war or organizational measures may exist temporarily.

MR. JUSTICE JACKSON: You were in the Polish campaign you have said?

KESSELRING: Yes.

MR. JUSTICE JACKSON: Is it not a fact that the German Air Force made the decisive contribution to that campaign as regards the time taken to conquer Poland?

KESSELRING: From the point of view of the Air Force officers I must agree with that conception absolutely, but the army officers did not quite share it.

MR. JUSTICE JACKSON: Well, you are testifying now as to your opinion. And in that campaign you developed the technique of low level attacks by fighters, light bombers, and dive-bombers against marching columns, and the dive-bomber, the light bomber, and the fighters all contributed to the success of that movement.

KESSELRING: I must admit that. The foundations of the short-range bombing technique were certainly laid during the Polish campaign.

MR. JUSTICE JACKSON: I turn now to the French campaign. You were in the air in the French campaign, were you not?

KESSELRING: Yes.

MR. JUSTICE JACKSON: And the Air Force contributed decisively to the success of that campaign, did it not?

KESSELRING: From the point of view of an Air Force officer, I must consider that view as correct.

MR. JUSTICE JACKSON: And you testified, did you not, that Dunkirk would not have been such a catastrophe if the Luftwaffe had not been there? That is true, is it not?

KESSELRING: Dunkirk, did you say? I did not quite understand.

MR. JUSTICE JACKSON: Yes, Dunkirk.

KESSELRING: Yes. In my opinion, that is certain, and it would have been even more so if bad weather had not considerably hindered our operations.

MR. JUSTICE JACKSON: That is, the catastrophe would have increased for the English except for bad weather. You had the air force to do a better job at Dunkirk than you did, from your point of view?

KESSELRING: We were grounded for about 2 days.

MR. JUSTICE JACKSON: You were one of the principal advocates of the plan to invade England, were you not?

KESSELRING: Personally I am of the opinion that, if the war against England was to be brought to a successful end, this end could only be achieved for certain by invasion.

MR. JUSTICE JACKSON: And you had an adequate Air Force after having defeated Poland, defeated Holland, defeated Belgium, and defeated France, so that you advocated proceeding with an invasion of England, did you not?

KESSELRING: I must give an explanation on that point.

MR. JUSTICE JACKSON: First tell me if that is true.

THE PRESIDENT: Witness, will you please understand that you must answer the question first, and give an explanation afterwards. Every question, or nearly every question, admits of either an affirmative or negative answer, and you will kindly give that answer and make your explanation afterwards.

MR. JUSTICE JACKSON: Did you not advocate the invasion of England, and was not the Air Force ready to invade England?

KESSELRING: Subject to certain conditions, considering the existing air situation at that time the Air Force was ready to fulfill that task.

MR. JUSTICE JACKSON: And you recommended very strongly to the Reich Marshal that the invasion take place immediately after Dunkirk, did you not?

KESSELRING: Yes, and I still advocated that view later on too.

MR. JUSTICE JACKSON: And the preparations of the Luftwaffe for this invasion were complete, and the invasion was called off only because the procurement of sea-going craft was not sufficient, is that not true?

KESSELRING: Yes. I have to supplement the previous statement by saying that, of course, a certain interval between the French campaign and the English campaign would have had to elapse in order to effect the material replenishment of the air force.

MR. JUSTICE JACKSON: Now, you also told the Strategic Bombing Survey that Hitler had ordered not only the bombing of military targets, including industrial production, but also the bombing of political targets. Is that true?

KESSELRING: After a certain date, yes.

MR. JUSTICE JACKSON: That is, to paralyze the government of the enemy. That is what you meant by a political target, did you not?

KESSELRING: That is not what I mean by political targets. I answered the question differently; I understood it differently, namely, that this order became effective at a later date.

MR. JUSTICE JACKSON: You attended the speech made by Hitler in August of 1939?

KESSELRING: Yes.

MR. JUSTICE JACKSON: At that time you were informed that the attack on Poland would commence immediately or very soon?

KESSELRING: During that conference, the final decision to commence the Polish campaign had not yet been reached. Negotiations were still in progress and we were all still hoping that they would bring favorable results.

MR. JUSTICE JACKSON: You were ordered on the 15th of August to get the Luftwaffe in readiness for an attack on Poland?

KESSELRING: This order as such is not known to me in detail, but I must admit that for months before we had made air preparations and erected bases in a general defensive direction, always thinking of a defensive situation.

MR. JUSTICE JACKSON: You expected Poland to attack Germany in the air? Is that your point?

KESSELRING: At any rate, we took this possibility into consideration on our side. The whole political situation was too unknown for us to be able to form a pertinent, incontestable judgment on it.

MR. JUSTICE JACKSON: You have said that you never held conferences with Party leaders or talked politics or had any contacts with politicians, in substance, have you not?

KESSELRING: Essentially, yes.

MR. JUSTICE JACKSON: Was not your immediate superior the Number 2 politician of Germany? Did you not know that?

KESSELRING: I did, but I must emphasize that the conversations which I had with the Reich Marshal were 99 percent concerned with military and organizational problems.

MR. JUSTICE JACKSON: But you knew that he, at all times, was one of the leading men in Nazi politics?

KESSELRING: Certainly.

MR. JUSTICE JACKSON: You testified that you knew of the order to shoot Soviet Commissars?

KESSELRING: Certainly.

MR. JUSTICE JACKSON: And that you did not approve it and did not carry it out.

KESSELRING: I did not answer to that effect yesterday.

MR. JUSTICE JACKSON: What did you answer?

KESSELRING: I answered as follows: That the Air Force, which was not fighting on the ground, was not concerned with this problem, and that an official notification of that order is no longer in my recollection.

MR. JUSTICE JACKSON: Who executed that order? Who was expected to execute it?

KESSELRING: I was in Russia only until November 1941 and I can give you no information on it.

MR. JUSTICE JACKSON: Did you ever hear of the SS?

KESSELRING: Yes, of course.

MR. JUSTICE JACKSON: And is it not a fact that the execution of that order was committed to the SS?

KESSELRING: I knew nothing about that.

MR. JUSTICE JACKSON: What did you think the SS existed for?

KESSELRING: In my opinion, the SS, as far as it was used in military operations, was a special section of the Army, indeed a sort of guard of the Army.

MR. JUSTICE JACKSON: The SS was to guard the Army, or to guard whom?

KESSELRING: No, but the SS divisions were, purely from the point of view of men, numbers and material, well above the average Army division as far as equipment and readiness were concerned.

MR. JUSTICE JACKSON: Who was commanding the SS?

KESSELRING: The SS was commanded by Himmler. As far as these divisions were used within the army, they were tactically under the army commanders, commanders of the army groups, or the corps headquarters staffs to which they were attached.

MR. JUSTICE JACKSON: So far as they had special missions, they were under the command of Himmler, is that right?

KESSELRING: Yes, certainly; a very clear distinction.

MR. JUSTICE JACKSON: You testified yesterday that you did not consider Hitler's Commando Order binding on you, and that you did not carry out that order, is that right?

KESSELRING: In the Mediterranean theater, yes.

MR. JUSTICE JACKSON: Was that because the order left discretion in your hands, or because you just took discretion into your hands?

KESSELRING: I made those reservations myself, firstly for ideological considerations, and secondly because in the Mediterranean I had, as I said yesterday, a twofold command, and the German orders could not be included in the general administration without modification.

MR. JUSTICE JACKSON: Well then, the extent to which an order of that kind was carried out depended somewhat on the character and courage of the officer who received it, did it not?

KESSELRING: I would like to express it somewhat differently. These orders could be interpreted in different ways—that Commando Order, for instance—insofar as it was certainly quite possible for the Commander-in-Chief to consider an operation either as a special task or as a tactical measure which was militarily justified.

MR. JUSTICE JACKSON: You were in command of the forces in Italy at this time, were you not, at the time of the Commando Order?

KESSELRING: With a difference. I did not have full powers until September 1943.

MR. JUSTICE JACKSON: I will ask to have you shown Document Number 498-PS in evidence as Exhibit Number USA-501.

I call your attention to Paragraph Number 6 of that order which reads as follows:

> "I will hold responsible, under military law, for failing to carry out this order, all commanders and officers who either have neglected their duty of instructing the troops about this order, or acted against this order where it was to be executed."

You see that paragraph in the order?

KESSELRING: Yes, I have just read it.

MR. JUSTICE JACKSON: Now, did you ever report that you were not carrying out this order or did you deceive your superior officers as to whether it was being carried out?

KESSELRING: In one special case that question was treated very decisively at headquarters. This concerned the Commando action "Pescara" where Adolf Hitler ordered the shooting of certain people in spite of the fact that we, my troops and I, wanted to spare them. I think particularly that the influence of Jodl here, as an intermediary, was decisive; namely, that this subject was forgotten and that consequently these people were kept alive, in hospitals and prisoner-of-war camps.

But I should not like to call it deception, the word you used just now, for I wish to emphasize that, in my military sector, I considered actions of this kind as guiding orders, and this Commando Order certainly allowed for several interpretations.

MR. JUSTICE JACKSON: In other words, the extent to which one of these orders was carried out depended on the commanders in charge, is that right, that Hitler could not depend on it that an order as emphatic as this would be carried out by his commanders? Was that the state of the German Army?

KESSELRING: No, not that, but the situation can be explained as follows: If, on the part of an army, such an operation is reported to a superior as a Commando operation in the sense of that order, then the necessary measures would have to be carried out. That depended, however, on the way of reporting by the units concerned, and I already explained in detail yesterday that a unified conception had gradually set in, that men in uniform, who carried out a tactical move, were not Commandos within the meaning of this order.

MR. JUSTICE JACKSON: You testified today, and another witness has testified here, that if an order of Adolf Hitler was resisted, it meant death. You are also testifying that an absolute order to execute Commandos, under threat of punishment if you failed, left you discretion to do it or not, and I want you once and for all to tell the Tribunal which is the fact, and then we will leave that subject.

KESSELRING: I must repeat what I said before, namely, that the Italian theater of war was not to be compared with the other theaters of war. Through the co-operation of Hitler and Mussolini there was always a very obliging attitude, therefore, these orders made by OKW could not easily be applied to the Italian theater of war.

MR. JUSTICE JACKSON: They were applied everywhere, so far as you know, except in the Italian theater, then?

KESSELRING: That I cannot say. I have repeatedly explained that I confined myself exclusively to my own sphere of operations, which was considerable.

MR. JUSTICE JACKSON: You testified, as I understand you, that you punished looting on the part of your soldiers in Italy.

KESSELRING: As soon as I heard of these instances, I punished them, and I most strictly ordered the Army commanders and Air Force commanders to do the same.

MR. JUSTICE JACKSON: Now, the punishment was very mild that you ever inflicted for any looting, was it not?

KESSELRING: I even went so far as to have culprits shot on the spot, and in that manner I succeeded in remedying the disorder which had arisen.

MR. JUSTICE JACKSON: So a German general, dealing with a German soldier, considers shooting the proper penalty for looting?

KESSELRING: These far-reaching conclusions are something I cannot admit. On that subject I wish to make the following remarks: If an army—as was the case with the 14th Army at the time—fell into a certain disorder, the most severe measures were justified in the interests of the reputation of that army, and in the interests of the population, in order to bring about orderly conditions among the civilian population. I had heated discussion at headquarters on that particular subject.

Apart from that, I was of the opinion that all penalties eventually became useless, and therefore, for some time I considered penalties purely as an educational means and not really as punishment. Consequently for some time, penalties were rather mild.

MR. JUSTICE JACKSON: You testified that you took vigorous steps to protect the art treasures of Italy.

KESSELRING: Insofar as I was informed of art treasures, yes.

MR. JUSTICE JACKSON: What steps did you take, and against whom did you take them?

KESSELRING: Primarily they were preventive measures: First, by excluding places of art and culture from the field of battle; secondly, by having these places cleared if they were liable to air raids by the enemy; and thirdly, by co-operating with General Wolff and having these cultural and art treasures removed to secure places. I make mention of the art treasures of Cassino and Florence.

MR. JUSTICE JACKSON: Did you know that any art treasure was removed from Mount Cassino, for instance, and taken to Berlin?

KESSELRING: Much later, at Mondorf, I heard about that. At the time all I could recollect was that they were handed over to the Vatican in Rome.

MR. JUSTICE JACKSON: Oh. Did you know that art treasures were taken and delivered to Göring from Mount Cassino? Did you ever hear that?

KESSELRING: I once heard something about some statue of a saint, but I cannot really give you any more details.

MR. JUSTICE JACKSON: And if Göring received such a thing from Mount Cassino, was it a violation of your orders?

KESSELRING: The Hermann Göring Division was stationed in that sector. It was commanded by the former adjutant of Hermann Göring, and it is clear that there was a certain connection here, but to what extent I cannot tell you.

MR. JUSTICE JACKSON: I have a few more questions concerning your interrogations.

THE PRESIDENT: Perhaps we had better break off for 10 minutes.

[A recess was taken.]

MR. JUSTICE JACKSON: I think, Your Honors, that we will save some duplication—perhaps save time—if I now yield to Sir David Maxwell-Fyfe, who is prepared on some of the subjects I was about to take up. I think he is in a better position to take up the examination.

THE PRESIDENT: Whatever you think, Mr. Justice Jackson.

SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): Witness, you have been told why Dr. Stahmer wanted you to give evidence? Have you been told by Dr. Stahmer what to do to give evidence?

KESSELRING: The individual points were communicated to me, without all questions being directly defined.

SIR DAVID MAXWELL-FYFE: I want to read you one sentence, so that you will have it in mind, of Dr. Stahmer's statement:

"When Rotterdam became a battle zone in May 1940, it became a military necessity to employ bombers, as the encircled fighting parachute troops, who had no support from the artillery, had urgently asked for help from bombers."

Do you remember the incident? I wanted you to have it in your mind.

KESSELRING: Yes, certainly.

SIR DAVID MAXWELL-FYFE: Do you remember being asked about this incident in the interrogation on the 28th of June, by the United States bombing survey? Remember?

KESSELRING: Certainly.

SIR DAVID MAXWELL-FYFE: Did you say there at the question, "What about Rotterdam?"

"Answer: 'First, Rotterdam had been defended in the parts which were later on attacked. Secondly, in this case one could notice that a firm attitude had to be taken. This one attack brought immediate peace to Holland. It was asked for by Model and was approved by the OKW. It was a very small part in the heart of Rotterdam.'"

Do you remember saying that?

KESSELRING: Approximately I did say that, yes, and I repeated those words yesterday.

SIR DAVID MAXWELL-FYFE: I want to deal first with the strategic aspects. I will come to the tactical aspects later. Your strategic purpose and real object was to take a firm attitude and secure immediate peace, was that not right?

KESSELRING: That far-reaching task had not been given to me, but, as I said yesterday, General Wenninger reported the result

of the attack to me in such a way that close on the attack the total surrender of Holland followed.

SIR DAVID MAXWELL-FYFE: But I want you to think of your own words. This was approved by the OKW; a firm attitude had to be taken. Was not your purpose in this attack to secure a strategic advantage by terrorization of the people of Rotterdam?

KESSELRING: That I can deny with the clearest conscience. Neither did. I say, when I was at Mondorf, that I had to adopt a firm attitude. I merely said that the support which was demanded by Student would have to be carried out. We only had the one task, and that was to furnish artillery support for Student's troops.

SIR DAVID MAXWELL-FYFE: What did you mean by saying that a firm attitude had to be taken, if you did not mean that the people of Holland had to be possibly terrorized into peace.

KESSELRING: May I repeat in that connection that the conception of the expression, "firm attitude," is not in keeping with my accustomed wording. I cannot admit that this word was in the minutes, and it was not read out to me, either.

SIR DAVID MAXWELL-FYFE: What do you think you said instead of firm attitude, if you did not say it?

KESSELRING: I remarked that severe measures would bring quick results.

SIR DAVID MAXWELL-FYFE: That is exactly what I am putting to you, Witness, "severe measures" . . .

KESSELRING: But only for the purpose of tactical results. May I once more emphasize that I am a soldier and not a politician, and did not act as a politician. At that time I was merely and solely complying with Student's requirements.

SIR DAVID MAXWELL-FYFE: Just before I deal with the tactical position—which I do with great pleasure—have you had to work with the Defendant Raeder? Have you had to work with the Defendant Raeder at all?

KESSELRING: Admiral Raeder? Only in a general way, insofar as naval questions were concerned.

SIR DAVID MAXWELL-FYFE: I just want you to listen to the views which the Defendant Raeder has expressed and tell the Tribunal whether you agree with them. This is United Kingdom Exhibit Number GB-224, Document Number C-157, and here is the transcript in Page 2735 (Volume V, Page 274). Now, just listen carefully, if you will be so kind:

"It is desirable to base all military measures taken on existing international law. However, measures which are considered

necessary from a military point of view, provided a decisive success can be expected from them, will have to be carried out, even if they are not covered by existing international law."

Do you agree with that?

KESSELRING: I cannot completely agree with that concept. As far as Rotterdam is concerned, conditions were exactly the opposite.

SIR DAVID MAXWELL-FYFE: Well, just for the moment we will deal with the Defendant Raeder's words. Do you agree with them?

KESSELRING: No.

DR. LATERNSER: I have an objection. I object to the earlier and to this present question put to the witness, because they are irrelevant, and secondly because they do not refer to facts but opinions. The witness is here to testify to facts.

SIR DAVID MAXWELL-FYFE: My Lord, the witness is here, as I pointed out carefully, to deal with what is military necessity.

THE PRESIDENT: Sir David, the Tribunal thinks that the question in the form in which you put it may be objectionable, by the introduction of the views of the Defendant Raeder.

SIR DAVID MAXWELL-FYFE: Of course, I bow to the Tribunal, but this witness is called to say that the explanation for this is military necessity. I was asking whether he did not agree with the views of one of his colleagues on this point, what is military necessity. If the Tribunal has any doubt, I would rather pass it. But the question of military necessity is one which the Tribunal will have to consider in a number of fields, and I respectfully do not abandon that point, which will run through the questions I have to ask on other matters.

[Turning to the witness.] Now, I will come to the tactical position at Rotterdam: Will you just tell the Tribunal who were the officers involved? There was a Lieutenant General Schmidt and with him was Major General Student, who were in charge of the troops that were attacking Rotterdam. Do you remember that?

KESSELRING: Only General Student. General Schmidt is unknown to me.

SIR DAVID MAXWELL-FYFE: Well, the evidence that is given in this case is that the negotiations, the terms of capitulation, were actually written out by Lieutenant General Schmidt in a creamery near Rotterdam. I suppose he would be General Student's superior officer, would he not?

KESSELRING: General Student was the senior German officer in the Rotterdam sector and the responsible commander. General Schmidt is unknown to me.

SIR DAVID MAXWELL-FYFE: So that General Schmidt would be junior to General Student, would he?

KESSELRING: He may have been called in for the special purpose, but I do not know of him.

SIR DAVID MAXWELL-FYFE: I want you to have the times in mind: Do you know what time in the day the bombing of Rotterdam started?

KESSELRING: As far as I know, in the early afternoon, about 1400 hours, I believe.

SIR DAVID MAXWELL-FYFE: Well, I was going to put to you 1330.

KESSELRING: Yes, that is quite possible.

SIR DAVID MAXWELL-FYFE: Do you know that negotiations for a capitulation had been in progress since 1030 in the morning?

KESSELRING: No; as I said yesterday, I have no knowledge of these facts.

SIR DAVID MAXWELL-FYFE: And did you know that at 1215 a Dutch officer, Captain Backer, went to the German lines and saw General Schmidt and General Student, and that General Schmidt wrote out the suggested terms of capitulation at 1235?

KESSELRING: No, that is unknown to me.

SIR DAVID MAXWELL-FYFE: That had never been told to you?

KESSELRING: It was not communicated to me. At least, I cannot remember it.

SIR DAVID MAXWELL-FYFE: Well, you see, Witness, it is 35 minutes before the bombing began and...

KESSELRING: The important factor would have been for Student to call off the attack as such, but that did not happen. The cancellation never reached me, and did not reach my unit either.

SIR DAVID MAXWELL-FYFE: Well, I just want you to have the facts in mind, and then I will ask you some questions. The terms that were discussed at 1235 were to expire; the answer was called for at 1620. After Captain Backer left with the terms, at 1322 and 1325 two red flares were put up by the German ground troops under General Student. Did you hear of that?

KESSELRING: I did not hear of that either. Moreover, two red flares would naturally not have sufficed for the purpose.

SIR DAVID MAXWELL-FYFE: No, but in addition to that your ground troops were in excellent wireless communication with your planes, were they not? Will you answer the question?

KESSELRING: I already said yesterday...

SIR DAVID MAXWELL-FYFE: Will you please answer the question?

KESSELRING: Yes, and no. So far as I know, there was no immediate communication between the ground station and the aircraft, but, as I said yesterday, from the tactical force, through the ground station, to the aircraft formation.

SIR DAVID MAXWELL-FYFE: If it had been wanted to pass the communication to the aircraft and stop the bombing, it could quite easily have been done by wireless, apart from putting up these two red flares?

KESSELRING: In my opinion, yes.

SIR DAVID MAXWELL-FYFE: Now, what I am suggesting is, you see, that everyone saw these bombers coming over. You know that. Student saw the bombers coming over. You know that do you not?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: If that attack had any tactical significance about helping your troops, it could have been called off, could it not?

KESSELRING: I did not understand the final sentence.

SIR DAVID MAXWELL-FYFE: If the object of this attack was merely tactical, to help in the attack on Rotterdam, it could easily have been called off by a wireless message from General Student to the planes, could it not?

KESSELRING: Yes, if the tactical situation had been communicated, or if the situation had been reported to the bombing units immediately, then there could have been no doubt.

SIR DAVID MAXWELL-FYFE: But if in honest negotiations, Witness, terms of surrender have been given and are to expire 3 hours later, it is only demanded of a soldier that he will call off the attack, is it not?

KESSELRING: If no other conditions have been made, yes.

SIR DAVID MAXWELL-FYFE: But if he can stop the attack, it would have been the easiest thing in the world to do so. I want to make my suggestion quite clear—that this tactical matter had nothing to do with the attack on Rotterdam; that the purpose of the attack on Rotterdam was, in your own words, to show a firm attitude and to terrorize the Dutch into surrender.

KESSELRING: May I repeat again, that I have said explicitly that this attack was only serving the tactical requirements, and that I disassociate myself completely from these political considerations.

SIR DAVID MAXWELL-FYFE: Well, you know that General Student apologized afterwards for the attack; you know that? Apologized to the Dutch commander for the attack?

KESSELRING: I do not know it and, as I explained yesterday, I saw General Student when he was seriously injured, and I could not even talk to him.

SIR DAVID MAXWELL-FYFE: I am not going to take more time. I have put my point, I hope, quite clearly. I want to ask you on one other point on which you spoke yesterday in regard to bombing. You said that the attack on Warsaw on 1 September 1939 was made because you considered Warsaw a defended fortress with air defense. Is that fair?

KESSELRING: Yes, certainly.

SIR DAVID MAXWELL-FYFE: Now, you know that at the same time—at 5 o'clock on the morning of Friday, 1 September—the German Air Force attacked Augostów, Nowy Dwor, Ostrów Mazowiecki, Tczew, Puck, Zambrów, Radomsko, Toron, Kutno, Kraków, Grodno, Trzebinia, and Gdynia, which is in rather a different position. Just answer my question. The German Air Force attacked these towns?

KESSELRING: With my comrades—yes. Not the towns, I repeat, not the towns.

SIR DAVID MAXWELL-FYFE: Now, all this attack was made at 5 o'clock on the morning of 1 September, was it not?

KESSELRING: The attack started in the morning, but not, as you put it, on the towns but on military targets; airfields, staff headquarters, and traffic centers were attacked. As I have already explained, very detailed instructions were published by the OKW that only these military targets should be bombed.

SIR DAVID MAXWELL-FYFE: You are suggesting that all these towns I had read out were military targets?

KESSELRING: Insofar as they were in my sector, yes.

SIR DAVID MAXWELL-FYFE: You had not had time for a single reconnaisance plane to fly over Poland before that attack was made, had you?

KESSELRING: That is correct. On the other hand, agents and others furnished sufficient intelligence on the situation and, apart from that, this whole plan was absolutely controlled by operational considerations of air warfare.

SIR DAVID MAXWELL-FYFE: Of course, the whole plan had been worked out in April of 1939 under the Fall Weiss, had it not?

KESSELRING: At that time I did not even know that I was going to be concerned in it, or that war would be declared.

SIR DAVID MAXWELL-FYFE: Did you not know, Witness, after you were appointed, that a Fall Weiss had been worked out in April 1939? You were never told that?

KESSELRING: That was not said, but, on the other hand, may I say, as a soldier, that a general plan made in April would undergo many alterations by September, and decisive alterations might still have to be made even at the very last minute.

SIR DAVID MAXWELL-FYFE: Just one other point I want you to have in mind. Do you remember that the German radio broadcast the last note to Poland at 9 o'clock the night before, on 31 August? Do you remember that?

KESSELRING: I believe I do.

SIR DAVID MAXWELL-FYFE: That was 8 hours before your attack, and you know, do you not, that the Defendant Göring had been at his secret headquarters for a week before that, considering this matter?

KESSELRING: That I can well imagine, if on the...

SIR DAVID MAXWELL-FYFE: Now, what I am putting to you is that this general attack on Polish towns was again a well-planned scheme to try and break down natural resistance for your attack?

KESSELRING: May I say the following on that subject? If my statements as Field Marshal and witness under oath are considered as little as you are considering them, Mr. Prosecutor, then further statements of mine do not serve any purpose. I have emphasized that it was not an attack against towns, but an attack on military targets, and you must finally believe me when I say that as a soldier.

SIR DAVID MAXWELL-FYFE: The Tribunal will decide as to the value of the evidence. I am not going to discuss it. I am just going to ask you about one or two other matters, in order to get your view on it, what you consider to be of military necessity. You remember the orders with regard to partisans in Italy during the time of your command? The orders with regard to partisans?

KESSELRING: Certainly.

SIR DAVID MAXWELL-FYFE: And I want to put it perfectly correctly, so tell me if I am wrong, but I understand this to be the position. The Defendant Keitel issued a general order as to partisans on 16 December 1942. A copy was found in your headquarters or your ex-headquarters, and your recollection is that it came to your

attention later on, but you are not quite sure of the date. Is that right? You are not quite sure of the time?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: I would like you to try, because you have had time to consider it; do you think that Keitel's order of December 1942 had come to your attention before you issued your own order of 17 June 1944? Perhaps you would like to see your own order, would you?

KESSELRING: It was read out to me; but in November, then again in December, and subsequently in January, I requested that I should be heard once more on these questions and these orders, as I had certain doubts about the issuing of these orders, the distribution, the persons to whom they were sent, and the date.

SIR DAVID MAXWELL-FYFE: Well, I will pass you the orders, Witness, because you ought to see them and recall them to your recollection. I do not think they have been put in before. Let us take first Defendant Keitel's order of 16 December 1942.

[The document was submitted to the witness.]

I hope I have passed you the right document. Does it read—I will read it very slowly.

"The Führer has therefore ordered that:

"1. The enemy employs, in partisan warfare, communist-trained fanatics who do not hesitate to commit any atrocity. It is more than ever a question of life and death. This fight has nothing to do with soldierly gallantry or principles of the Geneva Convention. If the fight against the partisans in the East, as well as in the Balkans, is not waged with the most brutal means, we will shortly reach the point where the available forces are insufficient to control this area.

"It is therefore not only justified, but it is the duty of the troops to use all means without restriction, even against women and children, as long as it insures success. Any consideration for the partisans is a crime against the German people."

Do you remember that order?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: And you in turn issued an order on the 17th of June 1944 when you were commanding in Italy? Do you remember that? I will show you in one moment, if I can get the German copy out of the file. I will just read a short passage again so that the Tribunal will have it in mind; but Witness, please refer to any other passage because I want to give a fair effect of the order:

"1. The partisan situation in the Italian theater, particularly central Italy, has recently deteriorated to such an extent that it constitutes a serious danger to the fighting troops and their supply lines, as well as to the war industry and economic potential. The fight against the partisans must be carried on with all means at our disposal and with the utmost severity. I will protect any commander who exceeds our usual restraint in the choice of severity of the methods he adopts against partisans. In this connection the old principle holds good, that a mistake in the choice of methods in executing one's orders is better than failure or neglect to act."

Do you remember that, Witness?

KESSELRING: Yes, I remember that order.

SIR DAVID MAXWELL-FYFE: And you remember 3 days later, so that there will be no mistake as to what you meant, you issued this further one, another top-secret order. Reading the third line after saying, "The announcement does not represent an empty threat," you say:

"It is the duty of all troops and police in my command to adopt the severest measures. Every act of violence committed by partisans must be punished immediately. Reports submitted must also give details of countermeasures taken. Wherever there is evidence of considerable numbers of partisan groups, a proportion of the male population of the area will be arrested; and in the event of an act of violence being committed, these men will be shot."

Now, I just want only to take two examples, Witness, of the way that that was carried out. You remember when one of your officers, Colonel Von Gablenz, was captured by partisans; do you remember?

KESSELRING: General Von Gablenz?

SIR DAVID MAXWELL-FYFE: I think he was a colonel at this stage, it was the 26th of June, just after your order. You remember Colonel Von Gablenz being captured, do you?

KESSELRING: No.

SIR DAVID MAXWELL-FYFE: He was a colonel of the lines of communication; not a very important officer, but still a colonel.

KESSELRING: Yes, I remember.

SIR DAVID MAXWELL-FYFE: Now, just look at these two documents. Is this right?—this is an extract from the daily situation report by the Commander-in-Chief of Southwest Italy for the 26th of June.

"Partisan situation. North of Arezzo, Colonel Von Gablenz, a member of the staff of the officer commanding lines of communication, area 10th Army, was captured by bandits. The

entire male population of the villages on the stretch of road concerned was taken into custody."

It was further announced that all these hostages would be shot if the captured colonel were not set free within 48 hours. Remember that?

KESSELRING: Not in detail, but in general . . .

SIR DAVID MAXWELL-FYFE: No, no, but do you remember the incident?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: Look at the next bit which is the 2-day situation report, the report for 2 days later, the 28th of June, the second paragraph: "As reprisal for the capture of Colonel Freiherr Von Gablenz, so far 560 persons, including 250 men, have been taken into custody."

Is that your conception of what is meant by "steps necessary to deal with partisan warfare" that 410 women and children should be taken into custody?

KESSELRING: That was not necessary, but in connection with this I may . . .

SIR DAVID MAXWELL-FYFE: Let us take one other example. You remember Civitella? You remember what was done with Civitella by your forces, do you not?

KESSELRING: At the moment, no.

SIR DAVID MAXWELL-FYFE: Well, just let me remind you what was done at Civitella—that was on the 18th of June, one day after your order.

"Two German soldiers were killed and a third wounded in a fight with partisans in the village of Civitella. Fearing reprisals, the inhabitants evacuated the village, but when the Germans discovered this, punitive action was postponed. On June 29"—that, you will remember, Witness, was 9 days after your proclamation to reinforce your order—"when the local inhabitants were returned and when feeling secure once more, the Germans carried out a well-organized reprisal, combing the neighborhood. Innocent inhabitants were often shot on sight. During that day 212 men, women, and children in the immediate district were killed. Some of the dead women were found completely naked. In the course of investigations, a nominal roll of the dead has been compiled and is complete with the exception of a few names whose bodies could not be identified. Ages of the dead ranged from 1 year to 84 years. Approximately one hundred houses were

destroyed by fire. Some of the victims were burned alive in their homes."

That is the report of the United Nations War Crimes Commission on the incident. Now, Witness, do you really think that military necessity commands the killing of babies of 1 and people of 84?

KESSELRING: No.

SIR DAVID MAXWELL-FYFE: Well now, I just want to acquaint you with one subject which you have dealt with yourself, that is the position of the Hermann Göring Division. You mentioned one of the persons I have in mind, but let me just, in order to make it clear to the Tribunal, get clear who your officers were at that time.

Did General Vietinghoff—sorry, I think it was Von Vietinghoff—did he command the 10th Army?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: In 1944?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: Was he directly under your orders?

KESSELRING: Yes, he was under my command.

SIR DAVID MAXWELL-FYFE: Then I take it he is a fairly senior and responsible general. I do not know his rank—full general or . . .

KESSELRING: Full general.

SIR DAVID MAXWELL-FYFE: And under him was the 76th Corps, was it not, commanded by General Herr; is that correct?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: And under General Herr was a Hermann Göring Division, commanded by General Schmalz, whom you mentioned this morning; is that right?

KESSELRING: General Von Schmalz commanded, but previously I mentioned another name.

SIR DAVID MAXWELL-FYFE: I think it was Schmalz at this time. Now, the Hermann Göring Division had been concerned in a number of three—I call them incidents; I would not say—what I mean by incidents is the sort of thing which I have been describing at Civitella. Let me remind you of one or two. Do you remember at Stia, on the 13th to the 18th of April, 137 civilians were killed, including 45 women and children; do you remember that incident? Civitella, that was on the 29th of June. And do you remember Buchini on the 7th and 9th of July; do you remember an incident at Buchini?

KESSELRING: It is possible, but I would have to study the details first.

SIR DAVID MAXWELL-FYFE: Perhaps you will remember this. I will put it to you generally, Witness, because it is a perfectly general course of conduct, and there were a number of these incidents in which the Hermann Göring Division was engaged. Do you remember that?

KESSELRING: There were many incidents like that on both sides, and I would first have to study the exact details of the question.

SIR DAVID MAXWELL-FYFE: Well, this is what I really want you to apply your mind to. Is it correct that the Hermann Göring Division was only under General Herr and General Von Vietinghoff for tactical purposes, and reported each day to Berlin to Reich Marshal Göring as to what they were doing?

KESSELRING: The Hermann Göring Division was under the General Command and the Army for tactical purposes, but I must assume that, in these questions, subordination to the General Command and the Army actually did exist. Whether there were any matters operating outside that, I do not know.

SIR DAVID MAXWELL-FYFE: I will put the words exactly, and you can see where I have the words from the way I put them:

> "The 1st Airborne Division and the Hermann Göring Division came under the army commanders only as regards tactics; for all other questions, on the other hand, directly under the Reich Marshal, to whom they had to send daily reports. They were not permitted to receive orders from the army commanders concerning criminal proceedings, nor to report the results of such proceedings. Thus they carried on the war against guerrillas according to principles which to some extent deviated from those of the Army."

Is that a correct statement?

KESSELRING: That conception is correct, but the question is, perhaps, that the word "tactics" can, of course, be understood in a somewhat wider or narrower sense.

SIR DAVID MAXWELL-FYFE: The word what?

KESSELRING: Tactics. That this tactical subordination can be understood either in a wider or a narrower sense.

SIR DAVID MAXWELL-FYFE: Witness, that is why I read the whole thing to you, because it is quite clear what the person's statement I am reading means there, is it not? He says that they were not permitted to receive orders from the army commanders on criminal proceedings or to report the results, and that they carried

on the war against guerrillas according to principles which deviated from those of General Von Vietinghoff, did they not?

KESSELRING: This is the first time that I have heard of this, but if another officer has said so then I must assume it is correct.

SIR DAVID MAXWELL-FYFE: Well, are you sure it is the first time that you have heard about it? It is very difficult to remember every incident. Please, do not think that I want to be offensive, but I want you to try to remember. Did not General Herr make numerous complaints to you about this anomalous position with regard to the Hermann Göring Division, and did you never give any official reply to General Herr's reports?

KESSELRING: Numerous reports certainly did not arrive from General Herr. There may have been verbal consultations...

SIR DAVID MAXWELL-FYFE: In your command post?

KESSELRING: Yes. And may I add once more that such definitions of attitude were definitely in existence within the army group. With regard to the case concerned, I must say that I do not know whether this comes under the heading "tactics" or belongs to another function.

SIR DAVID MAXWELL-FYFE: Well, I am not really putting the point to you quite clearly. What I am suggesting is this: If you disagree with "numerous," will you accept "some," that on some occasions General Herr reported to you that he was in difficulties through this anomalous position of the Hermann Göring Division?

KESSELRING: That I can assume.

SIR DAVID MAXWELL-FYFE: Your Chief of Staff at this time was General Roettiger, was he not?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: From the 10th of June onwards, just over this time, did not General Roettiger also talk to you about the position of the Hermann Göring Division being under the special protection of Reich Marshal Göring in Berlin?

KESSELRING: Yes. We discussed that subject quite a lot.

SIR DAVID MAXWELL-FYFE: Well, as far as the particular incident, in which the Hermann Göring Division was involved, is concerned, they took their orders from the Defendant Göring, who is sitting at the dock, did they not, as to how they were to treat the partisans?

KESSELRING: I could not tell you that. Those channels by-passed me.

SIR DAVID MAXWELL-FYFE: Yes; they bypassed you. They bypassed General Herr, they bypassed Vietinghoff, they bypassed you, and went straight to Berlin. That is right, is it not?

KESSELRING: Yes, certainly. That was the special channel for the SS and for the Hermann Göring Division.

SIR DAVID MAXWELL-FYFE: Yes. You see, at the moment the Tribunal is dealing with the case of the Defendant Göring. That is why I ask you these questions.

Now, just one or two short points. You remember Dr. Laternser asking you one or two questions about the High Command and the General Staff.

Do you remember Dr. Laternser asking you some questions?

KESSELRING: Yes, I am aware of that.

SIR DAVID MAXWELL-FYFE: Well, I wanted just to clear one part out of the way altogether. You must have realized, Witness, that the body that is mentioned in this case has nothing to do with the Staff Corps of the German Army. I think you made that clear yourself yesterday.

KESSELRING: With what did you say?

SIR DAVID MAXWELL-FYFE: With the staff corps. You had, both in the Army and the Air Force, a corps of officers who had gone through the Military Academy and were staff officers of all ranks, I suppose down to captain, had you not?

KESSELRING: The question is not quite clear to me.

SIR DAVID MAXWELL-FYFE: I am sorry. You had in both the Army and the Luftwaffe a staff corps of officers who had been to Military Academy and were thereafter staff officers. And they had, I think, the right of reporting directly to the Chief of Staff if they wanted to? Is that not so? Is that right or wrong?

KESSELRING: That is not correct, except, as I said yesterday, as far as education was concerned. As far as the general attitude was concerned, the General Chief of Staff had the right to influence General Staff officers directly; but the other way around, no.

SIR DAVID MAXWELL-FYFE: Well, that corps went right down, I suppose, to captain or lieutenant, did it not?

KESSELRING: No, captain.

SIR DAVID MAXWELL-FYFE: I thought that was it. May I tell you, we are not interested in that corps at all. The Prosecution are not interested in that corps at all.

Now, with regard to the persons who are named in the Indictment, you know there are nine commander-in-chief or staff positions named, and then the Oberbefehlshaber, who commanded in certain areas or commanded certain fleets of the Luftwaffe. You have looked at that, I suppose, have you?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: I am trying to put it shortly, Witness, so that we would not take time. I just want you to consider this. Are not these people who are mentioned—that is, the heads of the OKW, OKH, OKM, OKL, and their deputies and the Oberbefehlshaber—the officers in the German Armed Forces who would have had most to do with the policy and planning of wars?

KESSELRING: The commanders-in-chief of the branches of the Armed Forces were of course the advisory organs of the Supreme Head of the State in all military-political questions. The commanders-in-chief of Army Groups had no influence whatever.

SIR DAVID MAXWELL-FYFE: Well, I would like you to take the case of two examples. I think you were present at both of these. Before the attack on Poland there was a meeting on the 22d of August, which has been mentioned here before. Did that consist of these higher officers that I mentioned, the heads of the various branches, and also of the Oberbefehlshaber?

KESSELRING: It consisted of the commanding officers of the war in that theater.

SIR DAVID MAXWELL-FYFE: Yes. Well, at that time the sector which was going to be the subject of war was Poland. At that time the main purpose was considering the Polish campaign, was it not? The main purpose of that meeting, I suppose, was to consider the Polish campaign with the possibility of a campaign against the Western Powers if they came in?

KESSELRING: About that I can give you no information. Generally speaking we discussed only Polish questions . . .

SIR DAVID MAXWELL-FYFE: Well, the Tribunal has heard about that meeting so often I am not going to ask about it. I am only getting from you the people who were there.

Now, let me remind you of another meeting. On the 9th of June 1941 there was a conference—Barbarossa—for the attack on the Soviet Union. Do you remember that? Berchtesgaden.

KESSELRING: Whether it was on the 9th of June, I do not know. But I did take part in one conference.

SIR DAVID MAXWELL-FYFE: You were there, and again, before the Russian campaign, the people who were there were the holders of these supreme positions and the Oberbefehlshaber, were they not?

KESSELRING: That is correct.

SIR DAVID MAXWELL-FYFE: Including those that had territorial commands, like, for example, General Von Falkenhorst, who

was the Army High Commander in Norway at that time? He was there?

KESSELRING: General Von Falkenhorst?

SIR DAVID MAXWELL-FYFE: Yes.

KESSELRING: It is quite possible.

SIR DAVID MAXWELL-FYFE: General Stumpf of Air Fleet 5, and, if I may, I do not know what the ranks were so I just give the names. Rundstedt, Reichenau, Stülpnagel, Schubert, Kleist, and of course Bock, Kluge, Guderian, Halder, Kesselring?

KESSELRING: The latter were certainly there. As for Stumpf and Falkenhorst, I cannot say.

SIR DAVID MAXWELL-FYFE: So that before a campaign it was customary for the holders of these high positions to meet, was it not—to meet the Führer?

KESSELRING: Certainly.

SIR DAVID MAXWELL-FYFE: Now, I just want you to help me on one other small point. Do you remember saying yesterday to Dr. Laternser that the members of this alleged group were far too concerned with high matters of strategy to have anything to do with Fifth Columnists? Do you remember saying that, words to that effect?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: I do not know if you know, but outside Germany the name Quisling has become an ordinary word of use as an alternative to Fifth Columnist. Did you know that? You talk about a Quisling meaning a Fifth Columnist. You have not heard that?

KESSELRING: No, I did not know that.

SIR DAVID MAXWELL-FYFE: You know who Quisling was?

KESSELRING: Yes, indeed I do.

SIR DAVID MAXWELL-FYFE: Well, I would just like you to listen to this, because it concerns your service. The Defendant Rosenberg in January 1940 wrote to the Führer as follows:

> "Assuming that his"—that is, Quisling—"statements would be of special interest to the Marshal of the Reich, Göring, for aero-strategical reasons, Quisling was referred to State Secretary Körner by the Foreign Affairs Office."

Did he come to you at all for aero-strategical reasons?

KESSELRING: No, that is unknown to me.

SIR DAVID MAXWELL-FYFE: Now, did you know that the Defendant Raeder introduced Quisling to Hitler in December 1939? Did you know that?

KESSELRING: No, that is unknown to me.

SIR DAVID MAXWELL-FYFE: You agree that the head of the German Air Force and the head of the German Navy are important members of this group of commanders-in-chief, are they not?

KESSELRING: Supreme commanders, yes.

SIR DAVID MAXWELL-FYFE: If they were dealing with the typical columnist, perhaps members of the group had more to do with Fifth Columnists than you knew.

KESSELRING: Yesterday I merely spoke from the point of view of the supreme commanders on the front and our tasks were in a different sphere.

SIR DAVID MAXWELL-FYFE: My Lord, I think I have finished, but perhaps your Lordship would allow me just over the adjournment to see if there is any small point.

My Lord, the other thing is this. I think we ought to put in these documents to which I have referred, because the Defense may want to deal with them later on.

THE PRESIDENT: Yes, if they have not already been put in.

SIR DAVID MAXWELL-FYFE: I think some of the orders have not been put in. I have read part of them into the record, and I will put them in.

THE PRESIDENT: They must be put in and marked then.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

SIR DAVID MAXWELL-FYFE: Will you direct your attention to the text after the bomb plot in Rome on 23 March 1944. Do you remember what I have in mind—the bomb plot in Rome? Remember? At that time your Chief of Staff was General Westphal, and he reported the plot directly to General Buettler? Perhaps you will help me as to the pronunciation?

KESSELRING: Winter.

SIR DAVID MAXWELL-FYFE: General what?

KESSELRING: General Winter.

SIR DAVID MAXWELL-FYFE: Didn't he report to a General Buettler, spelled B-u-e-t-t-l-e-r?

KESSELRING: Von Buttlar.

SIR DAVID MAXWELL-FYFE: General Von Buttlar?

KESSELRING: That was his predecessor.

SIR DAVID MAXWELL-FYFE: General Von Buttlar informed your Chief of Staff that he would have to report the matter to the Führer, is that right?

KESSELRING: Yes.

SIR DAVID MAXWELL-FYFE: And he got in touch with the Defendant Jodl, and the Defendant Jodl and the Defendant Keitel reported the matter to the Führer?

KESSELRING: That is probably correct.

SIR DAVID MAXWELL-FYFE: The Führer gave an order that either 20 or 10—you aren't quite sure which, but you rather think 20—Italians should be killed?

KESSELRING: I believe that that is a report from Westphal, which I must assume is correct.

SIR DAVID MAXWELL-FYFE: Can you remember, Witness, whether it was 20 or 10 now?

KESSELRING: I assume 10, I do not know the exact number.

SIR DAVID MAXWELL-FYFE: You do not know the exact number?

KESSELRING: I assume 10.

SIR DAVID MAXWELL-FYFE: We will take it as 10 for the moment.

The competent authority for Rome was General Von Mackensen, was it not?

KESSELRING: General Mackensen was Commander-in-Chief of the 14th Army, and the commander of Rome was subordinate to him.

SIR DAVID MAXWELL-FYFE: And the person, to use your words, who advised him on this matter was a man called Kappler, wasn't he?

KESSELRING: Kappler, of the Security Service.

SIR DAVID MAXWELL-FYFE: What was he? An Obergruppenführer or something like that?

KESSELRING: Obersturmbannführer.

SIR DAVID MAXWELL-FYFE: You remember, after some comments in the *Osservatore Romano* you had an inquiry directed into the incident by your intelligence officer whose name was Zolling, don't you?

KESSELRING: Yes, that is correct.

SIR DAVID MAXWELL-FYFE: And you also got a report from Kappler himself, did you not?

KESSELRING: Kappler merely had a brief report relayed to me by telephone to the effect that he had a corresponding number of condemned men available.

SIR DAVID MAXWELL-FYFE: Didn't Kappler tell you that he had executed 382 people?

KESSELRING: The execution lay in the hands of the 14th Army and I finally received merely the news of its being carried out without any further explanation, and had no direct conversation with Kappler.

SIR DAVID MAXWELL-FYFE: Are you sure of that?

KESSELRING: At the end—I expressly emphasize this once more—I conversed with him briefly by telephone, after I had arrived at my command post and this report had been given me, as I said earlier. Otherwise I can recall no further direct communication. I do remember that perhaps 8 or 10 days later I met him and I told him that I was to a certain extent grateful to him that this very distasteful matter had been settled in a way which was legally and morally above reproach.

SIR DAVID MAXWELL-FYFE: Let us see what you had to be grateful for. You were interrogated about this on the 8th of January. Do you remember being asked this question? "Then Zolling didn't tell you that all this number that was executed had previously been convicted of some crime punishable by death?" And you answered, "Yes, I said that already. Yes, he did that. Even Kappler had told me that."

KESSELRING: Yes, that is correct.

SIR DAVID MAXWELL-FYFE: So the explanation which you say was given to you was that they took a number of people, 382 I suggest, who had been guilty of other crimes and executed them as a reprisal for the bomb plot, isn't that right?

KESSELRING: That is correct, on the assumption that these people had been sentenced to death.

SIR DAVID MAXWELL-FYFE: This has already been put to you. This is Kappler's account—that of the 382, 176 had committed acts punishable by death; 22 were people whose cases were marked "closed"; 17 had been sentenced to terms of labor; 4 had actually been condemned to death; 4 had been arrested near the scene of the crime. That made 223.

Didn't Kappler say to you, "Later the number of victims rose to 325 and I decided to add 57 Jews?" Didn't Kappler give you these figures?

KESSELRING: No.

SIR DAVID MAXWELL-FYFE: But you agree with this, that a large number of persons were executed in consequence of the order to kill 10 Italians, or maybe 20 Italians, for one German who had been killed?

KESSELRING: I admit that, on the assumption, as I have already stated, that these were people who had already been convicted.

SIR DAVID MAXWELL-FYFE: But it didn't make any difference to you whether they had been convicted for the bomb outrage or for any other offense?

KESSELRING: The situation was as follows: The Garigliano battle had begun to rage on the Southern Front. At that time a bomb attack was made on a police company by people of Rome, who had been treated with unparalleled mildness until then. The excitement on the German side was such that I, as well as the officers under my command, including Embassy Counsellor Moellhausen, had to do anything we could to calm the agitation. Therefore on the one side, and on the other, something had to be done—something which seemed to me the most expedient measure for preventing such incidents, namely a public humiliation, a notification that nothing could be undertaken against the German Army without consequences being faced. For me that was the essential point; whether X or Y was involved in this outrage was for me a question of small importance. This alone was of primary importance—that public opinion should be quieted in the shortest possible time, on the Roman as well as on the German side.

SIR DAVID MAXWELL-FYFE: Your prior point was to take a third attitude, or some people might say, "terrorize" the population, so that they would not repeat or do anything against the German Army.

KESSELRING: I do not know—this expression comes from the Rotterdam examination. As far as I know and believe I did not use this expression. I have to repeat that I stood, if I may say so, on ideally friendly terms with the Italians—for this very reason I was called to Italy—and that I had the most compelling reason to win friendship and not to sow enmity; and I intervened there, and certainly in a decisive way, only because it was a matter of cutting off the root of this evil growth within a short time.

SIR DAVID MAXWELL-FYFE: I asked you various questions about your acts of friendship to the Italians this morning and I am not going back to them. I only want to ask you one other point about which perhaps you will be able to relieve my mind. On the 2d of November 1943 were you the commanding general in Italy, that is, after you became . . .

KESSELRING: May I add something to the first point?

SIR DAVID MAXWELL-FYFE: You must come on to this point, and I want you to tell whether you were the commanding general in Italy on the 2d of November 1943? Were you?

KESSELRING: Since November, since 2 November 1943?

SIR DAVID MAXWELL-FYFE: Do you remember sending a telegram to the OKW that three British Commandos taken prisoner near Pescara were to be given special treatment? That means murder, "special treatment"; it means that they were killed by the SS.

KESSELRING: No. I beg your pardon . . .

SIR DAVID MAXWELL-FYFE: What do you mean by "special treatment"?

KESSELRING: That these people at Pescara, as I have already mentioned once today, were not shot, but rather the wounded were taken to a hospital and, as far as I recall, the unwounded to a prisoner-of-war camp.

SIR DAVID MAXWELL-FYFE: There were nine others who were taken to a hospital and three, according to your telegram got "special treatment" and nine others were taken to hospitals. I was going to ask you about those taken to hospitals. What did you do with people who came under the Commando Order who were taken to hospitals?

KESSELRING: As I have already stated before, they were treated according to the principles of the Hague Convention as generally practiced.

SIR DAVID MAXWELL-FYFE: Well, I am not going to argue with you whether the Commando Order was in accordance with the Hague Convention. We know what the Commando Order was, that people taken in Commandos were to be shot. What I am asking you is, supposing some Commandos had the misfortune to be wounded, what happened to them?

KESSELRING: According to the text of this order they would have to be shot. I stated before that this order in this case—I assume with the collaboration of General Jodl—was carried out in the normal fashion.

SIR DAVID MAXWELL-FYFE: There is heard evidence in this Court that in Vilna it was the practice of the SS to kill offhand newborn Jewish babies in hospitals. Can you give me your assurance that Commando troops who were wounded and taken to hospitals were not killed offhand.

KESSELRING: I assure you that I was not informed of any execution of this sort and would also not have tolerated it.

SIR DAVID MAXWELL-FYFE: That is all.

THE PRESIDENT: Does the Prosecution wish any further cross-examination? Then, Dr. Stahmer, do you wish to re-examine?

DR. STAHMER: The British Prosecution has just submitted new facts which were not known until now, especially about the shooting of hostages, which was carried out in Italy by the Hermann Göring Division in connection with the combating of partisans and for which the Defendant Göring apparently is to be made responsible. In this connection new documents were submitted. At the moment I am not in the position to answer these facts and these serious charges, and to put pertinent questions to the witness.

After a careful examination of the material, I shall submit the appropriate motions and I ask for the opportunity to make a statement as to whether I need further witnesses and have to recall the witness Kesselring.

I shall of course limit myself to submitting only absolutely necessary requests for evidence within the framework of the accusations just made, in order to prevent an unnecessary prolongation of the trial.

THE PRESIDENT: Dr. Stahmer, the Tribunal thinks that you must re-examine the witness now and that if you wish to make an application hereafter to recall the witness you will have to show very strong grounds for doing it. You may make written application to recall the witness at a later stage, but I would point out to you that the cross-examination of this witness has not been relevant solely to the case of the Defendant Göring. He is a member of the

General Staff and, as it was pointed out to him at the opening of one part of the cross-examination, he is one of the accused persons as such, and the evidence, therefore, may be relevant to Göring, or it may have been relevant to the General Staff. Is that clear to you?

DR. STAHMER: Yes, I quite follow; but I can naturally put questions to a witness only if I am in possession of the facts. I am not in such a position today because documents were referred to which are completely unknown to me, and, as far as I know, the Prosecution has the intention of making this material available to us.

THE PRESIDENT: Documents were put to the witness and, as I say, the Tribunal will consider any application which you make hereafter to have this witness recalled, but you may continue now with your re-examination and finish with the witness.

DR. STAHMER: At present I have no further questions to address to the witness.

THE PRESIDENT: Very well. Then the witness can retire.

[The witness left the stand.]

DR. LATERNSER: Mr. President, this morning I have noted that the witness has been called a defendant twice, once by a member of the Prosecution and now in your statement. First of all, the witness has appeared here as a witness, and moreover not the individual member of the group but rather the group itself is indicted, so that it cannot be correct to call the witness a defendant.

THE PRESIDENT: Dr. Laternser, possibly it was inaccurate to call him an accused person, but he is a member of the General Staff. I rather think that Sir David Maxwell-Fyfe made it clear that he meant only a member of the group which the Indictment asked the Tribunal to declare criminal. That is all that is meant, and I was only pointing out to Dr. Stahmer that the questions which have been asked were not necessarily relevant to the Defendant Göring, but might be relevant and relevant alone to the case of the General Staff.

DR. LATERNSER: Mr. President, I fully understand the position of the individual generals. I just wished to prevent the generals being called defendants now, which they are not. For that I wanted to have evidence.

THE PRESIDENT: Very well.

DR. STAHMER: If the High Tribunal agree, I wish to call the former Reich Marshal, Defendant Hermann Göring, to the witness stand.

[The Defendant Göring took the stand.]

THE PRESIDENT: Will you give your name please?

HERMANN WILHELM GÖRING (Defendant): Hermann Göring.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHMER: When were you born and where?

GÖRING: I was born on 12 January 1893 in Rosenheim, Bavaria.

DR. STAHMER: Give the Tribunal a short account of your life up to the outbreak of the first World War, but briefly, please.

GÖRING: Normal education, first a tutor at home; then cadet corps, then an active officer. A few points which are significant with relation to my later development: The position of my father as first Governor of Southwest Africa; his connections at that time, especially with two British statesmen, Cecil Rhodes and the elder Chamberlain. Then the strong attachment of my father to Bismarck; the experiences of my youth, half of which was spent in Austria to which I already felt a close attachment, as to a kindred people. At the beginning of the first World War I was a lieutenant in an infantry regiment.

DR. STAHMER: With what rank did you participate in the first World War?

GÖRING: As I just mentioned, at first as a lieutenant in an infantry regiment in the so-called border battles. From October 1914 on I was an aircraft observer. In June 1915 I became a pilot, at first with a reconnaissance plane, then for a short time with a bomber and in the autumn of 1915 I became a fighter pilot. I was seriously wounded in aerial combat. After recovery I became the leader of a fighter squadron, and after Richthofen was killed I became the commander of the then well-known "Richthofen Squadron."

DR. STAHMER: What war decorations did you receive?

GÖRING: First the Iron Cross Second Class, then Iron Cross First Class, then the Zähring Lion with Swords, the Karl Friedrich Order, the Hohenzollern with Swords Third Class, and finally the Order Pour le Mérite, which was the highest decoration possible.

DR. STAHMER: Tell the Tribunal when and under what circumstances you came to know Hitler.

GÖRING: I should like to mention one basic fact in advance. After the collapse in the first World War I had to demobilize my squadron. I rejected the invitation to enter the Reichswehr because from the very beginning I was opposed in every way to the republic which had come to power through the revolution; I could not bring it into harmony with my convictions. Shortly afterwards I went

abroad to find a position there. But after a few years I longed to get back to my own country. First, I spent quite some time at a hunting lodge in the mountains and studied there. In some way I wanted to participate in the fate of my country. Since I could not and would not do that as an officer for the reasons mentioned above, I had first of all to build up the necessary foundation, and I attended the University of Munich in order to study history and political science. I settled down in the neighborhood of Munich and bought a house there for my wife. Then one day, on a Sunday in November or October of 1922, the demand having been made again by the Entente for the extradition of our military leaders, at a protest demonstration in Munich—I went to this protest demonstration as a spectator, without having any connection with it. Various speakers from parties and organizations spoke there. At the end Hitler, too, was called for. I had heard his name once before briefly and wanted to hear what he had to say. He declined to speak and it was pure coincidence that I stood nearby and heard the reasons for his refusal. He did not want to disturb the unanimity of the demonstration; he could not see himself speaking, as he put it, to these tame, bourgeois pirates. He considered it senseless to launch protests with no weight behind them. This made a deep impression on me; I was of the same opinion.

I inquired and found that on the following Monday evening I could hear Hitler speak, as he held a meeting every Monday evening. I went there, and there Hitler spoke in connection with that demonstration, about Versailles, the treaty of Versailles, and the repudiation of Versailles.

He said that such empty protests as that of Sunday had no sense at all—one would just pass on from it to the agenda—that a protest is successful only if backed by power to give it weight. Until Germany had become strong, this kind of thing was of no purpose.

This conviction was spoken word for word as if from my own soul. On one of the following days I went to the office of the NSDAP. At that time I knew nothing of the program of the NSDAP, and nothing further than that it was a small party. I had also investigated other parties. When the National Assembly was elected, with a then completely unpolitical attitude I had even voted democratic. Then, when I saw whom I had elected, I avoided politics for some time. Now, finally I saw a man here who had a clear and definite aim. I just wanted to speak to him at first to see if I could assist him in any way. He received me at once and after I had introduced myself he said it was an extraordinary turn of fate that we should meet. We spoke at once about the things which were close to our hearts—the defeat of the fatherland, and that one could not let it rest with that.

The chief theme of this conversation was again Versailles. I told him that I myself to the fullest extent, and all I was, and all I possessed, were completely at his disposal for this, in my opinion, most essential and decisive matter: the fight against the Treaty of Versailles.

The second point which impressed me very strongly at the time and which I felt very deeply and really considered to be a basic condition, was the fact that he explained to me at length that it was not possible under the conditions then prevailing to bring about, in co-operation with only that element which at that time considered itself national—whether it be the political so-called nationalist parties or those which still called themselves national, or the then existing clubs, fighter organizations, the Free Corps, *et cetera*—with these people alone it was not possible to bring about a reconstruction with the aim of creating a strong national will among the German people, as long as the masses of German labor opposed this idea. One could only rebuild Germany again if one could enlist the masses of German labor. This could be achieved only if the will to become free from the unbearable shackles of the Treaty of Versailles were really felt by the broad masses of the people, and that would be possible only by combining the national conception with a social goal.

He gave me on that occasion for the first time a very wonderful and profound explanation of the concept of National Socialism; the unity of the two concepts of nationalism on the one hand and socialism on the other, which should prove themselves the absolute supporters of nationalism as well as of socialism—the nationalism, if I may say so, of the bourgeois world and the socialism of the Marxist world. We must clarify these concepts again and through this union of the two ideas create a new vehicle for these new thoughts.

Then we proceeded to the practical side, in regard to which he asked me above all to support him in one point. Within the Party, as small as it was, he had made a special selection of these people who were convinced followers, and who were ready at any moment to devote themselves completely and unreservedly to the dissemination of our idea.

He said that I knew myself how strong Marxism and communism were everywhere at the time, and that actually he had been able to make himself heard at meetings only after he had opposed one physical force disturbing the meeting with another physical force protecting the meeting; for this purpose he had created the SA. The leaders at that time were too young, and he had long been on the lookout for a leader who had distinguished himself in some way in the last war, which was only a few years ago, so that there would be the necessary authority. He had always tried to find a "Pour le Mérite" aviator or a "Pour le Mérite" submarine man for

this purpose, and now it seemed to him especially fortunate that I in particular, the last commander of the "Richthofen Squadron," should place myself at his disposal.

I told him that in itself it would not be very pleasant for me to have a leading part from the very beginning, since it might appear that I had come merely because of this position. We finally reached an agreement that for 1 to 2 months I was to remain officially in the background and take over leadership only after that, but actually I was to make my influence felt immediately. I agreed to this, and in that way I came together with Adolf Hitler.

DR. STAHMER: And when was that?

GÖRING: The end of October or the beginning of November 1922.

DR. STAHMER: The end of October?

GÖRING: Either the end of October or the beginning of November 1922.

DR. STAHMER: And then you officially entered the Party?

GÖRING: Yes, that was the same date. Just a few days after that I signed up.

DR. STAHMER: What tasks did Hitler then give you, that is, say, until November 1923?

GÖRING: The tasks arose from my position, which at that time had the title "Commander of the SA." At first it was important to weld the SA into a stable organization, to discipline it, and to make of it a completely reliable unit which had to carry out the orders which I or Adolf Hitler should give it. Up to that point it had been just a club which had been very active, but which still lacked the necessary construction and discipline.

I strove from the beginning to bring into the SA those members of the Party who were young and idealistic enough to devote their free time and their entire energies to it. For at that time things were very difficult for these good men. We were very small in number and our opponents were far more numerous. Even in those days these men were exposed to very considerable annoyances and had to suffer all sorts of things.

In the second place I tried to find recruits among workmen, for I knew that among workmen particularly I should enroll many members for the SA.

At the same time we had naturally to see to it that the meetings of the Party, which generally were limited at that time to Munich, Upper Bavaria and Franconia, could actually be carried through in a satisfactory manner, and disturbances prevented. In most cases we succeeded. But sometimes we had a strong party of our opponents present. One side or the other still had weapons from the war and

sometimes critical situations arose, and in some cases we had to send the SA as reinforcements to other localities.

In the course of the year 1923 the contrast between Bavaria and the Reich became even stronger. One could see that the Bavarian Government of that time wanted to go a different way to that of the Reich Government. The Reich Government was influenced strongly by Marxism, but the Bavarian Government was free from that, it was bourgeois.

Then suddenly the Bavarian Government was completely transformed when a governor general—I believe he was called that—or something of the sort, was appointed for Bavaria. It was Von Kahr, to whom the Bavarian Government was subordinate and to whom the Bavarian Government delegated all authority. Shortly after that the Reichswehr conflict developed. The 7th Reichswehr Division, which was stationed in Bavaria, was released from its oath to the Reich, which it had sworn to the Reich Constitution—I do not know its name any longer—that is to Von Kahr. This led to the conflict of the Generals Von Seeckt and Lossow. The same thing happened with the Bavarian police.

The Bavarian Government at the same time curried favor with the so-called national associations which were in part organized along military or semi-military lines and also possessed weapons. The whole thing was directed against Berlin and, as we expressed it, against the "November Republic." We could agree up to that point.

On the Sunday, before the 9th of November, there was a large parade in Munich. The whole Bavarian Government was there. The Reichswehr, the police and the fatherland associations, and we too, marched past. Suddenly, on that occasion, we saw that the figure in the foreground was no longer Herr Von Kahr but the Bavarian Crown Prince Rupprecht. We were very much taken aback by that. The suspicion arose among us that Bavaria wished to follow a course which would possibly lead to a considerable disintegration, and Bavaria might secede from the body of the Reich. But nothing was farther from our intentions than to permit that. We wanted a strong Reich, a unified Reich; and we wanted to have it cleansed of certain parties and authorities which were now ruling it.

We had become distrustful of the so-called "March on Berlin." When this became a certainty and Herr Von Kahr had called the well-known meeting in the Bürgerbräukeller, it was high time to frustrate such plans and to guide the whole undertaking in the direction of the "Greater Germany" idea. Thus the events of 9 November 1923 materialized in very short time. But as far as I personally am concerned, I was—and I never made a secret of this—ready from the beginning to take part in every revolution against

the so-called November Republic, no matter where and with whom it originated, unless it originated with the Left, and for these tasks I had always offered my services.

Then I was severely wounded at the Feldherrnhalle—the events are well known—and with this incident I close this first chapter.

DR. STAHMER: When, after that time, did you come together with Hitler again?

GÖRING: At first I was in a hospital in Austria. There was a trial before the Bavarian People's Court regarding the 9th of November.

DR. STAHMER: Who was indicted?

GÖRING: Hitler was indicted first of all, and naturally all those who had been present and were apprehended. I had been in Upper Bavaria for several days in a seriously wounded state and was then brought to the border, was arrested there, and then the Bavarian police brought me back to a different place. I asked Hitler at that time, whether I should appear at the trial. He begged me urgently not to do that, and that was a good thing. In this way the proceedings could not be held behind closed doors, because I had made the statement that if that was done I, for my part, would make an appropriate public statement with regard to the trial.

Then, after my recuperation, I spent about a year in Italy; then elsewhere abroad. In the year 1926 or 1927 there was a general amnesty for all the people involved in the different illegal—if I should call them that—incidents which had occurred up to then, not only for us but also for the Leftists and the peasants, and I could return to Germany.

I met Hitler again for the first time in 1927 at a rather brief conference in Berlin, where he was present. I was not active in the Party then, rather I wanted first to provide myself with an independent position once more. Then for months I was not in touch with Hitler again. Shortly before the May elections of the Reichstag in 1928 Hitler called me and told me he wanted to put me up as one of the first of the Reichstag candidates for the National Socialist Party and asked me whether I were willing and I said "yes," and also whether my activity in the Party to a still greater extent . . .

DR. STAHMER: One question. Had you meanwhile joined the SA?

GÖRING: No; at that time I had nothing more to do with the SA. In the meantime there were new appointments in the SA and the new leader of the SA, Von Pfeffer, naturally wanted to keep his position and would not have liked to see me in close touch with the SA.

DR. STAHMER: Then after 1923 you had no office or position in the SA?

GÖRING: After 1923 my active position in the SA ceased. Not until after the seizure of power, at a later date, when the so-called honorary offices were created, did I receive, as an honorary post, the highest rank in the SA. But to come back, in 1928 I was elected to the Reichstag and from that time on I toured the country as a speaker for the Party.

The SA, I do not recall in what year, had been reestablished and was now no longer limited to Bavaria, but had been extended to the whole Reich.

DR. STAHMER: Was it prohibited after 1923?

GÖRING: After 1923, it was prohibited for the time being.

DR. STAHMER: When was this prohibition rescinded?

GÖRING: I cannot say exactly, at any rate at a time when I had not yet returned to Germany. But in any case it had spread over all Germany and was now urgently necessary. The parties at that time, the larger ones, all had their so-called fighting units. Especially active, I remember, was the Red Front, a collection of the fighting units of the Communists, our greatest opponents, with whom we had repeated clashes and who very often tried to break up our meetings. In addition, there was the Reichsbanner, the organization of the Social Democrats, the Democratic Party. Then there was the Stahlhelm; that was a nationalist organization of the Right. And then there was our SA, which is to be mentioned in the same connection.

I should like to emphasize that at that time the SA often had to suffer heavily. Most of the SA men came from the broad masses; they were minor employees, workmen, men who took part only for idealistic reasons and who had to give their services nights and evenings without receiving anything in payment, and who did so only out of their real faith in the fatherland. They were often most severely wounded and many of them were shot in the clashes. They were persecuted by the government. They could not be officials; an official could not join the SA. They had to endure terrific pressure. I should like to emphasize that I had the highest respect and affection for these men, these SA men, who were not determined as has been pictured here, simply to do something cruel, but who were rather men who really exposed themselves voluntarily to the most difficult trials and vexations because of their idealism and their aims, and renounced many things in order to realize their ideals.

DR. STAHMER: What was your position in the Party during the period from 1928 until the seizure of power?

GÖRING: I had no office in the Party. I was never a political leader in the Party—that is perhaps strange—either in the Reich

Party Directorate or elsewhere. I was first of all, as I said, a member of the Reichstag and thereby a member of the Reichstag faction of the Party. At the same time I was the Party speaker, that is, I travelled from city to city and tried to do whatever I could to extend the Party, to strengthen it, to recruit and convince new members, and especially to win over to our side Communist and Marxist adherents in order to create a broad base among the people and not to have Rightist circles only, which were nationalist of themselves.

From the middle of 1932 on, after we had weathered countless elections and for all of these elections had had to participate in the campaigns by holding speeches, for example, often three in one evening, often the whole night long; I, as a member of the Party, or better said, because our Party had the strongest representation in the Reichstag, was chosen President of the Reichstag and thereby took over a generally political task.

Shortly before, at the end of 1931, when I saw that the Party had grown to an extraordinary extent and was gaining, the Führer said to me that he would very much like to have a direct representative who was independent of a Party office and who could carry out political negotiations. This person was not to be tied down to any particular Party office. He asked me whether I would take over this function, especially as I was living in the capital of the Reich anyway.

I took over this commission—it was not an office, but rather a commission of a general nature. In a few sentences he gave me the liberty to negotiate with all parties from the Communists to the extreme Rightists, in order, let us say, to undertake specific joint action in the Reichstag, or other suitable political steps. Naturally also I was given in this connection, the task of effecting the dissemination and the penetration of our ideals in all circles. To these circles belonged, as has already been mentioned, the industrial and intellectual groups. Since I had connections with and access to all these circles, it was quite natural that the Führer considered me specially suited for this task, as he could depend upon me absolutely in this respect and knew that I would use all my powers to advance our ideas. When I became President of the Reichstag my task in this capacity was greatly eased, for now I was, so to speak, legally authorized and even obliged to participate in political events. If, for instance, a government resigned in the Reichstag or fell through a vote of no confidence, it was my duty as President of the Reichstag, to suggest to the Reich President, after having negotiated with the parties, what the possibilities were in my opinion for a new coalition government. Thus the Reich President was always bound to receive me in this capacity with regard to these matters. So I

was able to create a rather close connection between the Reich President and myself. But I should like to emphasize that this connection had already existed before; it was a matter of course that Field Marshal Von Hindenburg, if I requested it, would always receive me, because he had known me in the first World War.

DR. STAHMER: What part did you play in the appointment of Hitler as Reich Chancellor?

GÖRING: I should just like to explain first that when I said that I held no office in the Party, no political office, my position had nevertheless naturally become stronger and stronger, especially since the end of 1931, from which time on I worked more and more closely with the Führer and was considered his special exponent—but only on the basis of normal and natural authority which increased greatly after the seizure of power.

As to my part in the appointment of Hitler: If I am to explain this to the Tribunal I must first describe the situation briefly. The balance among the parliamentary parties had been disturbed as early as the end of 1931 or the beginning of 1932. Things were going badly in Germany and no proper enduring parliamentary majority could actually be procured, and already the Enabling Act then in force had come into play to the exclusion, in part, of the Constitution. I call to mind the Brüning cabinet which had to work to a large extent with the Enabling Act and which at the time was also greatly concerned with Article 48 of the Reich Constitution. Then there followed the Cabinet of Von Papen, which also could not put itself on a parliamentary basis, on a more lasting or firmer basis. Herr Von Papen at that time tried to make that possible and, in order to get a parliamentary basis, he asked the National Socialists, the strongest party at that time, to establish such a basis together with the other parties. There was some talk—Von Papen's name had been given to the President as a nominee for Reich Chancellor—that Hitler should become the Vice Chancellor in this Cabinet. I remember that I told Herr Von Papen at that time that Hitler could become any number of things, but never Vice. If he were to be made anything, he would naturally have to be in the highest position and it would be completely unbearable and unthinkable to place our Führer in any sort of second position. We would then have had to play the role of governing, but possibly not all according to our lights, and Hitler as a representative of the strongest party would have had to be responsible for these things. This we declined categorically. I do not emphasize that because Herr Von Papen is in the dock with me. He knows that we always respected him personally, but I told him then, after this gesture had come to nought, that we would not only not support him, but would also oppose his Cabinet in the Reichstag to the utmost, just as we would

consistently fight every succeeding cabinet which did not give us a leading influence in the Chancellery.

There came then—I do not remember exactly for how many months Herr Von Papen held the reins—the well-known clash between him and me, he as Reich Chancellor, I as the President of the Reichstag, in which it was my intention to bring about the fall of his government, and I knew there was to be a motion of "no confidence" by the Communists, in which practically everybody would participate. It was necessary for this vote of "no confidence" to be expressed under all circumstances in order to show the Reich President that one could not govern with such cabinets without some sort of strong reserve. I saw the "red portfolio" and knew that the order for dissolution was in it, but let the voting be carried through first. Thirty-two votes were for Von Papen and about five hundred were against him. The Cabinet of Von Papen resigned.

Up to that point all the parties had drawn up cabinets, apart from the few small fragmentary parties. All men who were available had already been presented to the people at some time. Towards the end, Reich Defense Minister Von Schleicher, the political figure behind the scenes, had played an increasingly important part. There were therefore only two possibilities: Either the actual proportion of power would be taken into account and the leader of the strongest party, as is generally customary, would be brought into conferences and entrusted with the power, or else the man who was operating behind the scenes, the only possibility that was left, would be brought forward. And this happened. Herr Von Schleicher himself took over the chancellorship in conjunction with—and this is important—the office of Reich Defense Minister. It was clear to us, not only to us but also to the other parties, that as Herr Von Schleicher had far fewer personal sympathizers than Herr Von Papen and could not bring about a majority, a military dictatorship was finally aimed at by Von Schleicher. I had discussions with Herr Von Schleicher and told him that at this moment it was even possible to form a parliamentary majority. Through conferences I had succeeded in bringing together the German Nationals, National Socialists, Center, German People's Party and smaller supporting groups, to form a majority. It was clear to me that such a majority could be only temporary because the conflicting interests were too great. But it was a matter of indifference to me whether I brought our Party to power this way or that—if by means of parliamentary negotiations, very good; if by the Reich President's summons, all the better.

These negotiations were turned down by Herr Von Schleicher because he knew that he would then not be able to remain chancellor. Then again there were Emergency Laws and Enabling

Acts. Parliament had thus been more or less excluded even before our seizure of power.

I immediately issued the same challenge to Herr Von Schleicher in the Reichstag, much more emphatically than previously to Herr Von Papen. In the meantime the presidential election had taken place and after that a Reichstag election, in which, after the dissolution of Von Papen's Cabinet we lost several seats. We were reduced from 232 to 196 seats. Then in January there were further elections, which showed an extraordinary rise in favor of our Party and proved that the short crisis had been surmounted and that the Party was on the upgrade more strongly than ever before.

On Sunday, the 22nd of January 1933—the 30th was a Monday—I was in Dresden at a large political meeting, when I was summoned in the morning by the Führer to motor to Berlin immediately. I arrived that afternoon, and he told me, which I already knew, that the Reich President was no longer satisfied with Von Schleicher and saw that political matters could not continue in this way; nothing was ever accomplished; the Reich President had independently arrived at the conclusion that somehow some responsibility must now be given to the strongest Party. Before that time, in a very clever way, a wrong personal impression of the Führer had been created in the old gentleman's mind and he was prejudiced—he probably took offense at the word socialism, because he understood that in a different way.

Briefly, Hitler revealed to me that day, that that evening I was to speak to the Field Marshal's son at the home of Herr Von Ribbentrop. I believe Herr Von Papen was to be present also and—I am not sure about this—Meissner, who was the State Secretary of the Reich President. The Field Marshal's son wanted to inquire on behalf of his father what the possibilities were of Hitler as chancellor and the inclusion of the Party in responsibility. In a rather lengthy conversation I declared to the son that he should tell his father that, one way or another, Von Schleicher would lead to shipwreck. I explained to him the new basic conditions for forming a new government, and how I had heard now of the Field Marshal's willingness to entrust Hitler with the chancellorship, thereby regarding the Party as a main basis for a future government majority if Adolf Hitler were also able to succeed on this occasion in drawing in the German Nationals and the Stahlhelm—for he wanted to see a definite national basis. The Stahlhelm was not a parliamentary party but it had many followers. The German Nationals under Hugenberg were a parliamentary party.

We did not discuss very much more that evening. I told Von Hindenburg's son that he could tell his father that I would undoubtedly bring that about, and the Führer gave me orders to undertake

negotiations during the coming week with these parties on the one hand and with the Reich President on the other. There were difficulties here and there. I found that our conceding . . .

THE PRESIDENT: I think we will break off now.

[A recess was taken.]

DR. STAHMER: You were dealing with the question of your participation in the appointment of Hitler as Reich Chancellor. Would you continue?

GÖRING: I had arrived at the last decisive period. The negotiations had become somewhat difficult. The Field Marshal, Reich President Von Hindenburg, who, until then, had come to know the Führer personally only through two conversations and who had not yet overcome his distrust of him—a distrust which had been instilled and nourished for many years by a variety of influences, simply because he did not know him—had at that time demanded some severe restrictions, so that we, the strongest and now the leading party, which would have to be responsible to the nation for future measures, would be relatively very restricted and, in comparison with our strength, weakly represented in the government.

One must not forget that at this moment Germany had arrived at the lowest point of her downward trend. There were 8 million unemployed; all programs had failed; confidence in the parties existed no more; there was a very strong rise on the part of the revolutionary Leftist side; and political insecurity. Therefore those measures were necessary which the people would expect of us, if we were in the government, and for which we had to stand. So it was a very heavy burden to take over such a responsibility with such severe political conditions imposed.

First condition: The Reich President wanted, under all circumstances, that Herr Von Papen should become Vice Chancellor in this Cabinet. Apart from his sympathetic personality Herr Von Papen did not bring us anything, because there was no party behind him. But the Reich President demanded, beyond that, that Herr Von Papen should attend the presentation of the reports which the Führer, after being appointed Reich Chancellor, would have to make to the Reich President. But this was abandoned very quickly, and by the Reich President himself.

Secondly, the Reich President desired that the Foreign Office, independent of all parties, should be in the hands of Herr Von Neurath. Herr Von Neurath also brought us nothing in the way of political power, apart from his knowledge and ability.

Thirdly, the position of Prussian Prime Minister which, next to that of the Reich Chancellor was always the most important in Germany during the period after the World War, was likewise to be filled by the person of Herr Von Papen. Before the World War, as it is known, the offices of Reich Chancellor and Prussian Prime Minister were for these reasons always combined in one person.

Fourthly, the Reich President demanded that the office of Reich Defense Minister should also be in the hands of an independent person, a soldier; and he himself chose him, without our having anything to do with it, namely, General Von Blomberg, who at that time was at the Disarmament Conference in Geneva. Herr Von Blomberg was not known personally either to the Führer or to me at that time.

Even though the essential and definitely most important posts in the Cabinet were thus already filled by persons in whose choice we had had no influence, still further demands developed in the course of the week. It was demanded that the Finance Ministry should be in the hands of Count Schwerin von Krosigk, again a man backed by no political party. The Ministry of Transportation was to be under Herr Von Eltz, to whom the same applied. The leader of the Stahlhelm, Seldte, was to be taken into the Cabinet. Certainly the Stahlhelm was a large and extensive movement, but not politically, and it was not represented by a single delegate in the Reichstag.

There was left, as a really political party, only the German National Party, with 36 seats—our only parliamentary ally, so to speak. Here too, extraordinary demands were made, which were in no correct proportion to the smallness of that party.

In the end we, as the strongest party at that time with 232 seats, were given only the following, as far as I remember: The office of Reich Chancellor of course; then Dr. Frick as Reich Minister of the Interior, in the Cabinet; and I third in the Reich Cabinet, with an assignment as Reich Commissioner for Aviation, a very small subordinate division, an insignificant branch of a small Aviation Department in the Ministry of Transport, but no department otherwise. But then I succeeded in becoming, without conditions attached, Prussian Minister of the Interior and thereby a political minister of the largest German state, for in the end Prussia was actually the place where the rise to internal power started.

It was so far an extraordinarily difficult affair. At the last moment the forming of the Cabinet threatened to fail because of two factors. The Führer had made the unconditional demand that shortly after the appointment of the new Cabinet a new Reichstag election should take place, knowing correctly that the Party would be greatly strengthened thereby and possibly could represent a

majority by itself, and thus be in a position to form the government platform by parliamentary means.

Hugenberg, as leader of the German National Party, absolutely opposed this, knowing that his party would probably disappear more or less in this election. Even 5 minutes before the meeting of the Cabinet there was still danger that it would break up because of this. It was pure chance that at this moment the Reich President undertook to administer the oath to the new ministers; and so the Cabinet was formed.

The second danger threatened from Schleicher who, through his confidant, on the Sunday made the following offer to the Führer and me: He wanted to emphasize that the Reich President was not a sure factor as far as the new government was concerned; it would serve the purpose better if he—even though he had withdrawn the day before—were to join us to form a government now quite definitely not on a parliamentary basis of any kind, but rather on the basis of an entirely new situation, a coalition of the Reichswehr and the NSDAP.

The Führer refused, recognizing that this would be impossible and that the intentions were not honest.

When Herr Von Blomberg arrived at the railroad station from Geneva on the Monday morning, he was given two orders, one from Herr Von Hammerstein, Chief of the Army Command and his superior, to come to him immediately; the other from Hindenburg, his commander-in-chief, to come to him immediately. There was at that time, known only to a few, the threat of a Putsch by Schleicher and Hammerstein with the Potsdam Garrison.

On the Sunday evening I mentioned that to Reich President Von Hindenburg, and that is the reason why, 2 hours before the rest of the Cabinet, Herr Von Blomberg was appointed Minister of War, or at that time Reich Defense Minister, in order to prevent any wrong move by the Reichswehr.

At 11 o'clock on the morning of the 30th the Cabinet was formed and Hitler appointed Reich Chancellor.

DR. STAHMER: Had the Party come to power in a legal way, in your opinion?

GÖRING: Of course the Party had come to power in an entirely legal way, because the Party had been called upon by the Reich President according to the Constitution, and according to the principles in force the Party should have been called upon much earlier than that. The Party gained strength and came to power only by way of normal elections and the franchise law then valid.

DR. STAHMER: What measures were now taken to strengthen this power after Hitler's appointment?

GÖRING: It was a matter of course for us that once we had come into power we were determined to keep that power under all circumstances. We did not want power and governmental authority for power's sake, but we needed power and governmental authority in order to make Germany free and great. We did not want to leave this any longer to chance, to elections, and parliamentary majorities, but we wanted to carry out the task to which we considered ourselves called.

In order to consolidate this power now, it was necessary to reorganize the political relationship of power. That was carried out in such a manner that, shortly after the seizure of governmental authority in the Reich and in Prussia, the other states followed automatically and more or less strong National Socialist governments were formed everywhere.

Secondly, the so-called political officials who according to the Reich Constitution could be recalled at any time, or could be dismissed, would naturally have to be replaced now, according to custom, by people from the strongest party.

As far as legality, that is, the opinion that we came to power legally, is concerned, I should like to emphasize two considerations in particular.

Firstly: in the years 1925 to 1932 no fewer than 30 Reichstag, Landtag, and presidential elections took place in Germany. The very fact that 37 parties had candidates in one Reichstag election alone gives a clear picture of how it happened that one strong coalition formed the so-called government majority, and another strong grouping formed the opposition, each with an entirely different point of view. Just think of an opposition formed in common by Communists and National Socialists for example, and the fact that one small party which had eight representatives altogether was now the decisive factor, and in two readings of a law, especially of a decisive law—every law had to have three readings—voted against the government and then secured sufficient political and material advantages to force the law through for the government at its third, final reading. This may give a picture of the conditions.

The second point which I want to emphasize especially in regard to the legality of our coming to power, is the following:

Had the democratic election system of England or the United States of America existed in Germany, then the National Socialist German Workers Party would, at the end of 1931 already, have legally possessed all seats in the Reichstag, without exception. For in every electoral district in Germany at that time, or at the beginning of 1932 at the latest, in every one—I emphasize this once more—the NSDAP was the strongest party; that is to say, given an electoral system as it is in Great Britain or in the United States

these troops that the purpose of that guard of honor was to arrest me at a given moment.

I knew Röhm very well. I had him brought to me. I put to him openly the things which I had heard. I reminded him of our mutual fight and I asked him to keep unconditional faith with the Führer. I brought forward the same arguments which I have just mentioned, but he assured me that he naturally was not thinking of undertaking anything against the Führer. Shortly afterward I received further news to the effect that he had close connections with those circles who also were strongly opposed to us. There was, for instance, the group around the former Reich Chancellor Schleicher. There was the group around Gregor Strasser, the former member of the Reichstag and organizational leader of the Party, who had been excluded from the Party. These were groups who had belonged to the former trade unions and were rather inclined to the Left. I felt it my duty to consult the Führer now on this subject. I was astonished when he told me that he, too, already knew about these things and considered them a great threat. He said that he wished, however, to await further developments and observe them carefully.

The next event occurred just about as the witness Körner described it here, and therefore I can skip it. I was given the order to proceed immediately against the implicated men of the Röhm group in northern Germany. It was decided that some of them were to be arrested. In the course of the day the Führer ordered the execution of the SA leader of Pomerania, Ernst, and two or three others. He himself went to Bavaria where the last meeting of a number of Röhm leaders was taking place and personally arrested Röhm and these people in Wiessee.

At that time this matter presented a real danger, as a few SA units, through the use of false passwords, had been armed and called up. At one spot only a very short fight ensued and two SA leaders were shot. I deputized the police, which in Prussia was then already under Himmler and Heydrich, to make the arrests. Only the headquarters of Röhm, who himself was not present, I had occupied by a regiment of the uniformed police subordinated to me. When the headquarters of the SA leader Ernst in Berlin were searched, we found in the cellars of those headquarters more submachine guns than the whole Prussian police had in its possession.

After the Führer, on the strength of the events which had been met with at Wiessee, had ordered who should be shot in view of the state of national emergency, the order for the execution of Ernst, Heydebreck, and some of the other Röhm collaborators was issued. There was no order to shoot the other people who had been arrested. In the course of the arrest of the former Reich Chancellor Schleicher, it happened that both he and his wife were killed. An investigation

of this event took place and it was found that when Schleicher was arrested, according to the statements of the two witnesses, he reached for a pistol, possibly in order to kill himself, whereupon the two men raised their pistols and Frau Schleicher threw herself upon one of them to hold him, causing his revolver to go off. We deeply regretted that event.

In the course of that evening I heard that other people had been shot as well, even some people who had nothing at all to do with this Röhm Putsch. The Führer came to Berlin that same evening. After I learned this, later that evening or night, I went to him at noon the next day and asked him to issue an order immediately, that any further execution was under any circumstances forbidden by him, the Führer, although two other people who were deeply involved and who had been ordered by the Führer to be executed, were still alive. These people were consequently left alive. I asked him to do that because I was worried lest the matter should get out of hand—as, in fact, it had already done to some extent—and I told the Führer that under no circumstances should there be any further bloodshed.

This order was then given by the Führer in my presence, and it was communicated at once to all offices. The action was then announced in the Reichstag, and it was approved by the Reichstag and the Reich President as an action called for by the state of national emergency. It was regretted that, as in all such incidents, there were a number of blunders.

The number of victims has been greatly exaggerated. As far as I can remember exactly today, there were 72 or 76 people, the majority of whom were executed in southern Germany.

DR. STAHMER: Did you know about the development of the attitude of the Party and the State toward the Church, in the course of time?

GÖRING: Certainly. But as a final remark on the Röhm Putsch I should like to emphasize that I assume full responsibility for the actions taken against those people—Ernst, Heydebreck, and several others—by the order of the Führer, which I carried out or passed on; and that, even today, I am of the opinion that I acted absolutely correctly and with a sense of duty. That was confirmed by the Reich President, but no such confirmation was necessary to convince me that here I had averted what was a great danger to the State.

As to the attitude towards the Church—the Führer's attitude was a generous one, at the beginning absolutely generous. I should not like to say that it was positive in the sense that he himself was a positive or convinced adherent of any one confession, but it was

generous and positive in the sense that he recognized the necessity of the Church. Although he himself was a Catholic, he wished the Protestant Church to have a stronger position in Germany, since Germany was two-thirds Protestant.

The Protestant Church, however, was divided into provincial churches, and there were various small differences which the dogmatists took very seriously. For that reason they once in the past, as we know, fought each other for 30 years; but these differences did not seem so important to us. There were the Reformed, the United, and the pure Lutherans—I myself am not an expert in this field.

Constitutionally, as Prussian Prime Minister, I was, to be sure, in a certain sense the highest dignitary of the Prussian Church, but I did not concern myself with these matters very much.

The Führer wanted to achieve the unification of the Protestant Evangelical Churches by appointing a Reich Bishop, so that there would be a high Protestant church dignitary as well as a high Catholic church dignitary. To begin with, he left the choice to the Evangelical churches, but they could not come to an agreement. Finally they brought forward one name, exactly the one which was not acceptable to us. Then a man was made Reich Bishop who had the Führer's confidence to a higher degree than any of the other provincial bishops.

With the Catholic Church the Führer ordered a concordat to be concluded by Herr Von Papen. Shortly before that agreement was concluded by Herr Von Papen I visited the Pope myself. I had numerous connections with the higher Catholic clergy because of my Catholic mother, and thus—I am myself a Protestant—I had a view of both camps.

One thing, of course, the Führer and all of us, I, too, stood for was to remove politics from the Church as far as was possible. I did not consider it right, I must frankly say, that on one day the priest in church should humbly concern himself with the spiritual welfare of his flock and then on the following day make a more or less belligerent speech in parliament.

A separation was planned by us, that is to say, the clergy were to concentrate on their own sphere and refrain from becoming involved in political matters. Owing to the fact that we had in Germany political parties with strong church leanings, considerable confusion had arisen here. That is the explanation of the fact that, because of this political opposition that at first played its role in the political field in parliament, and in election campaigns, there arose among certain of our people an antagonistic attitude toward the Church. For one must not forget that such election disputes and speeches often took place before the electors between political

representatives of our Party and clergymen who represented those political parties which were more closely bound to the Church.

Because of this situation and a certain animosity, it is understandable that a more rabid faction—if I may use that expression in this connection—did not forget these contentions and now, on its side, carried the struggle on again on a false level. But the Führer's attitude was that the churches should be given the chance to exist and develop. In a movement and a party which gradually had absorbed more or less the greater part of the German nation, and which now in its active political aspect had also absorbed the politically active persons of Germany, it is only natural that not all the members would be of the same opinion in every respect, despite the Leadership Principle. The tempo, the method, the attitude may be different; and in such large movements, even if they are ever so authoritatively led, certain groups form in response to certain problems. And if I were to name the group which still saw in the Church, if not a political danger, at least an undesirable institution, then I should mention above all two personages: Himmler on one side and Bormann—particularly later on much more radically than Himmler—on the other side.

Himmler's motives were less of a political and more of a confused mystical nature. Bormann's aims were much more clear-cut. It was clear, too, that from the large group of Gauleiter, one or another might be more keenly interested in this fight against the Church. Thus, there were a number of Gaue where everything was in the best of order as far as the Church was concerned, and there were a few others where there was a keen fight against the Church.

I did interfere personally on frequent occasions. First of all, in order to demonstrate my attitude and to create order, I called into the Prussian State Council, as men in whom I had special confidence, a high Protestant and a high Catholic clergyman.

I myself am not what you might call a churchgoer, but I have gone now and then, and have always considered I belonged to the Church and have always had those functions over which the Church presides—marriage, christening, burial, *et cetera*—carried out in my house by the Church.

My intention thereby was to show those weak-willed persons who, in the midst of this fight of opinions did not know what they should do, that, if the second man in the State goes to church, is married by the Church, has his child christened and confirmed, *et cetera,* then they can calmly do the same. From the number of letters which I received as the result, I can see that I did the right thing.

But as time went by, in other spheres as well as this, the situation became more critical. During the early years of the war I spoke to the Führer about it once more and told him that the main concern now was, that every German should do his duty and that every soldier should go to his death, if need be, bravely. If in that connection his religious belief is a help and a support to him, whether he belongs to this or that confession, it can be only an advantage, and any disturbance in this connection could conceivably affect the soldier's inward strength. The Führer agreed absolutely. In the Air Force I deliberately had no chaplains, because I was of the opinion that every member of the Air Force should go to the clergyman in whom he had the most confidence.

This was repeatedly told to the soldiers and officers at roll call. But to the Church itself I said that it would be good if we had a clear separation. Men should pray in church and not drill there; in the barracks men should drill and not pray. In that manner, from the very beginning, I kept the Air Force free from any religious disturbances and I insured complete liberty of conscience for everyone.

The situation became rapidly more critical—and I cannot really give the reasons for this—especially in the last 2 or 3 years of the war. It may have something to do with the fact that in some of the occupied territories, particularly in the Polish territory and also in the Czech territory, the clergy were strong representatives of national feeling and this led again to clashes on a political level which were then naturally carried over to religious fields. I do not know whether this was one of the reasons, but I consider it probable. On the whole I should like to say that the Führer himself was not opposed to the Church. In fact, he told me on one occasion that there are certain things in respect to which even as Führer one cannot entirely have one's way if they are still undecided and in need of reform, and that he believed that at the time much was being thought and said about the reorganization of the Church. He said that he did not consider himself destined to be a reformer of the Church and that he did not wish that any of his political leaders should win laurels in this field.

DR. STAHMER: Now, in the course of years, a large number of clergy, both from Germany and especially from the occupied territories—you yourself mentioned Poland and Czechoslovakia—were taken to concentration camps. Did you know anything about that?

GÖRING: I knew that at first in Germany a number of clergymen were taken to concentration camps. The case of Niemöller was common knowledge. I do not want to go into it in detail, because

it is well known. A number of other clergymen were sent to concentration camps but not until the later years when the fight became more critical, for they made political speeches in the pulpit and criticized measures of the State or the Party; then, according to the severity of this criticism, the police intervened.

I told Himmler on one occasion that I did not think it was wise to arrest clergymen. As long as they talked in church they should say what they wanted, but if they made political speeches outside their churches then he could proceed against them, just as he would in connection with any other people who made speeches hostile to the State. Several clergymen who went very far in their criticism were not arrested. As far as the arrest of clergy from occupied territories is concerned, I heard about it; and I said earlier that this did not occur so much on the religious level just because they were clergymen, but because they were at the same time nationalists—I understand that from their point of view—and consequently often involved in actions hostile to the occupying forces.

DR. STAHMER: The Party program included two points, I believe, dealing with the question of the Jews. What was your basic attitude towards this question?

GÖRING: This question, which has been so strongly emphasized in the Indictment, forces me under all circumstances to interpose certain statements.

After Germany's collapse in 1918 Jewry became very powerful in Germany in all spheres of life, especially in the political, general intellectual and cultural, and, most particularly, the economic spheres. The men came back from the front, had nothing to look forward to, and found a large number of Jews who had come in during the war from Poland and the East, holding positions, particularly economic positions. It is known that, under the influence of the war and business concerned with it—demobilization, which offered great possibilities for doing business, inflation, deflation—enormous shifts and transfers took place in the propertied classes.

There were many Jews who did not show the necessary restraint and who stood out more and more in public life, so that they actually invited certain comparisons because of their numbers and the position they controlled in contrast to the German people. In addition there was the fact that particularly those parties which were avoided by nationally minded people also had Jewish leadership out of proportion to the total number of Jews.

That did not apply only to Germany, but also to Austria, which we have always considered a part of Germany. There the entire Social Democratic leadership was almost exclusively in Jewish

hands. They played a very considerable part in politics, particularly in the left-wing parties, and they also became very prominent in the press in all political directions.

At that time, there thus ensued a continuous uninterrupted attack on everything national, national concepts and national ideals. I draw attention to all the magazines and articles which dragged through the mud things which were holy to us. I likewise call attention to the distortion which was practiced in the field of art in this direction, to plays which dragged the fighting at the front through the mud and befouled the ideal of the brave soldier. In fact I could submit an enormous pile of such articles, books, plays, and so forth; but this would lead too far afield and I am actually not too well informed on the subject. Because of all this, a defense movement arose which was by no means created by National Socialism but which had existed before, which was already strong during the war and which came even more strongly to the fore after the war, when the influence of Jewry had such effects.

Moreover, in the cultural and intellectual sphere also many things which were not in accordance with German feeling came to be expressed. Here, too, there was a great split. In addition there was the fact that in economic matters, if one overlooks the western industry, there was an almost exclusive domination on the part of Jewry, which, indeed, consisted of elements which were most sharply opposed by the old, established Jewish families.

When the movement then drew up its program, which was done by a few simple people—as far as I know, not even Adolf Hitler himself took part in the drafting of the program, at least not yet as a leader—the program included that point which played a prominent part as a defensive point among large sections of the German people. Shortly before that there had been the Räte-Republik in Munich and the murder of hostages, and here, too the leaders were mostly Jews. It can be understood, therefore, that a program drawn up in Munich by simple people quite naturally took this up as a defense point. News also came of a Räte-Republik in Hungary—again consisting mainly of Jews. All this had made a very strong impression. When the program became known, the Party—which was at that time extremely small—was at first not taken seriously and was laughed at. But then, from the very beginning, a concentrated and most bitter attack on the part of the entire Jewish press, or the Jewish-influenced press, was started against the movement. Everywhere Jewry was in the lead in the fight against National Socialism, whether in the press, in politics, in cultural life by making National Socialism contemptible and ridiculous, or in the economic sphere. Whoever was a National Socialist could not get a position; the National Socialist businessman

could not get supplies or space for advertisements, and so on. All this naturally resulted in a strong defensive attitude on the part of the Party and led from the very beginning to an intensification of the fight, such as had not originally been the intention of the program. For the program aimed very definitely at one thing above all—that Germany should be led by Germans. And it was desired that the leadership, especially the political shaping of the fate of the German people, should be in the hands of German persons who could raise up the spirit of the German people again in a way that people of a different kind could not. Therefore the main point was at first merely to exclude Jewry from politics, from the leadership of the State. Later on, the cultural field was also included because of the very strong fight which had developed, particularly in this sphere, between Jewry on the one side and National Socialism on the other.

I believe that if, in this connection, many a hard word which was said by us against Jews and Jewry were to be brought up, I should still be in a position to produce magazines, books, newspapers, and speeches in which the expressions and insults coming from the other side were far in excess. All that obviously was bound to lead to an intensification.

Shortly after the seizure of power countless exceptions were made. Jews who had taken part in the World War and who had been decorated were treated differently and shown consideration; they remained unaffected by measures excluding Jews from civil services.

As I have said, the chief aim was to exclude them from the political sphere, then from the cultural sphere.

The Nuremberg Laws were intended to bring about a clear separation of races and, in particular, to do away with the notion of persons of mixed blood in the future, as the term of half Jew or quarter Jew led to continuous distinctions and confusion as far as their position was concerned. Here I wish to emphasize that I personally had frequent discussions with the Führer regarding persons of mixed blood and that I pointed out to the Führer that, once German Jews were clearly separated, it was impossible to have still another category between the two which constituted an unclarified section of the German people, which did not stand on the same level as the other Germans. I suggested to him that, as a generous act, he should do away with the concept of the person of mixed blood and place such people on the same footing as the other Germans. The Führer took up this idea with great interest and was all for adopting my point of view, in fact, he gave certain preparatory orders. Then came more troubled times, as far as

foreign policy was concerned—the Sudeten crisis, Czechoslovakia, the occupation of the Rhineland, and afterward the Polish crisis—and the question of persons of mixed blood stepped into the background; but at the beginning of the war the Führer told me that he was prepared to solve this matter in a positive, generous fashion, but only after the war.

The Nuremberg Laws were to exclude, for the future, that concept of persons of mixed blood by means of a clear separation of races. Consequently it was provided in the penal regulations of the Nuremberg Laws, that never the woman but always the man should be punishable, no matter whether he was German or Jewish. The German woman or the Jewess should not be punished. Then quieter times came, and the Führer was always of the opinion that for the time being Jews should remain in economy, though not in leading and prominent positions, until a controlled emigration, gradually setting in, then intensified, should solve this problem. In spite of continuous disturbances and difficulties in the economic field, the Jews on the whole remained unmolested in their economic positions.

The extraordinary intensification which set in later did not really start in until after the events of 1938, and then to a still greater extent in the war years. But here, again, there was naturally one more radical group for whom the Jewish question was more significantly in the foreground than it was for other groups of the Movement; just as, as I should like to emphasize at this point, the idea of National Socialism as a philosophy was understood in various ways—by one person more philosophically, by another mystically, by a third in a practical and political sense. This was also true of the different points of the program. For one person certain points were more important, for another person less so. One person would see in the point of the program which was directed against Versailles and toward a free and strong Germany the main point of the program; another person, perhaps, would consider the Jewish question the main point.

THE PRESIDENT: Would that be a convenient time to break off? Dr. Stahmer, can you inform the Tribunal how much longer you think the Defendant Göring's examination will last?

DR. STAHMER: I think that we shall finish in the course of tomorrow morning.

THE PRESIDENT: That is a very long time.

DR. STAHMER: I shall do my best to shorten it.

[A recess was taken.]

DR. STAHMER: To what extent did you participate in the issuing of the Nuremberg Laws of 1935?

GÖRING: In my capacity as President of the Reichstag I announced those laws and the law concerning the new Reich flag simultaneously here in Nuremberg when the Reichstag was meeting at that time.

DR. STAHMER: In the Indictment it says that the destruction of the Jewish race was part of the planning of aggressive wars.

GÖRING: That has nothing to do with the planning of aggressive wars; also, the destruction of the Jewish race was not planned in advance.

DR. STAHMER: Were you a party to the action against the Jews in the night of 9-10 November 1938?

GÖRING: I should like to discuss that briefly. I gathered yesterday, from the cross-examination of the witness Körner, that a misunderstanding had arisen in regard to this. On 9 November the march to the Feldherrnhalle took place. This march was repeated every year and for this occasion the prominent leaders of the movement gathered. Körner referred to that when he said that everybody came to Munich. It was customary, after the march was over, for practically everybody to meet at the Munich City Hall for a dinner, at which the Führer was also present.

I never attended that dinner in any of the years in question, as I used to utilize my stay in Munich by attending to various other matters in the afternoon of that day. I did not take part in the dinner on this occasion either, nor did Körner. He and I returned in my special train to Berlin in the evening. As I heard later, when the investigation was carried out, Goebbels announced at that dinner, after the Führer had left, that the seriously wounded counsellor of the Embassy in Paris had died of his wounds. There was a certain amount of excitement and then Goebbels apparently spoke some words about retaliation and in his way—he was probably the very strongest representative of anti-Semitism—must have brought on this development of events; but that was after the Führer had left.

I myself, in fact, heard of the events upon my arrival in Berlin. First of all the conductor in my car told me that he had seen fires in Halle. Half an hour later I called my adjutant, who reported to me that riots had taken place during the night, that Jewish stores had been broken into and plundered and that synagogues had been set on fire. He did not know any more about it himself.

I proceeded to my apartment and at once had a call put through to the Gestapo. I demanded a report of the events of that night. That is the report which has been referred to here and which was made to me by the Chief of the Gestapo, Heydrich, concerning the

events, as much as he knew about them at that time; that was the evening of the following day, I believe. The Führer, too, arrived in Berlin in the course of the morning. Having in the meantime heard that Goebbels had at least played an important part as instigator, I told the Führer that it was impossible for me to have such events taking place at this particular time. I was making every effort, in connection with the Four Year Plan, to concentrate the entire economic field to the utmost. I had, in the course of speeches to the nation, been asking for every old toothpaste tube, every rusty nail, every bit of scrap material to be collected and utilized. It could not be tolerated that a man who was not responsible for these things should upset my difficult economic tasks by destroying so many things of economic value on the one hand and by causing so much disturbance in economic life on the other hand.

The Führer made some apologies for Goebbels, but on the whole he agreed that such events were not to take place and must not be allowed to take place. I also pointed out to him, that such a short time after the Munich agreement such matters would also have an unfavorable effect on foreign policy.

In the afternoon I had another discussion with the Führer. In the meantime Goebbels had been to see him. The latter I had told over the telephone in unmistakable terms, and in very sharp words, my view of the matter. I told him then, with emphasis, that I was not inclined to suffer the consequences of his uncontrolled utterances, as far as economic matters were concerned.

In the meantime the Führer, influenced by Goebbels, had somewhat changed his mind. Just what Goebbels told him and to what extent he referred to the excitement of the crowd, to urgently needed settlements, I do not know. At any rate, the Führer's views were not the same as they were on the occasion of my first complaint.

While we were talking, Goebbels, who was in the house, joined us and began his usual talk: that such things could not be tolerated; that this was the second or third murder of a National Socialist committed abroad by a Jew. It was on that occasion that he first made the suggestion that a fine should be imposed. Indeed, he wished that each Gau should collect such a fine and he named an almost incredibly high sum.

I contradicted him and told the Führer that, if there was to be a fine, then the Reich alone should collect it, for, as I said, Herr Goebbels had the most Jews right here in Berlin and would therefore not be a suitable person for this, since he was the most interested party. Apart from that, if such measures were to be taken, then only the sovereign State had the right to take them.

After a short discussion, this way and that, about the amount, 1,000,000,000 was agreed upon. I pointed out to the Führer that

under certain circumstances that figure would have repercussions on the tax returns. The Führer then expressed the wish and ordered that the economic solution also be carried through now. In order that there should be no further occasion for such events, businesses obviously Jewish and known to be Jewish were first of all to be Aryanized, in particular the department stores. These were often a source of friction, as the officials and employees from the ministries, who could shop only between 6 and 7 in the evening, often went to these stores and had difficulties. He ordered, in general terms, what should be done.

Thereupon I called the meeting of 12 November with those departments which had jurisdiction over these matters. Unfortunately, the Führer had demanded that Goebbels should be represented on this commission—actually a commission was to be appointed. He was, in fact, present, although I maintained that he had nothing to do with economic questions. The discussion was very lively. We were all irritated at this meeting. Then I had the economic laws drafted and later I had them published.

I rejected other proposals which lay outside the economic sphere, such as restriction of travel, restriction of residence, restriction in regard to bathing resorts, *et cetera,* as I was not competent to deal with these things and had not received any special orders. These were issued later on by the police authorities, and not by me; but through my intervention various mitigations and adjustments were made.

I should like to point out that although I received oral and written orders and commands from the Führer to issue and carry out these laws, I assume full and absolute responsibility for these laws which bear my signature; for I issued them and consequently am responsible, and do not propose to hide in any way behind the Führer's order.

DR. STAHMER: Another matter. What were the reasons for the refusal to take part in the Disarmament Conference and for the withdrawal from the League of Nations?

GÖRING: The chief reasons for that were, first of all, that the other states who, after the complete disarming of Germany, were also bound to disarm, did not do so. The second point was that we also found a lack of willingness to meet in any way Germany's justified proposals for revisions; thirdly, there were repeated violations of the Treaty of Versailles and of the Covenant of the League of Nations by other states, Poland, Lithuania, *et cetera,* which were at first censured by the League of Nations, but which were then not brought to an end, but were rather accepted as accomplished facts; fourthly, all complaints by Germany regarding

questions of minorities were, indeed, discussed, and well-meaning advice was given to the states against which the complaints had been brought, but nothing was actually done to relieve the situation.

Those are the reasons for leaving the League of Nations and the Disarmament Conference.

DR. STAHMER: Why did Hitler decide to rearm and reintroduce compulsory service?

GÖRING: When Germany left the League of Nations and the Disarmament Conference, she simultaneously announced to the leading powers concerned her definite decision to aim at universal disarmament. The Führer then made various proposals which, it can be assumed, are historically known: restriction of active armed forces to a certain number of men; restriction of weapons to be used; abolishing of certain weapons as, for example, bombers; and various other points. Each one of these proposals was rejected, however, and did not reach a general realization, nor were even discussed.

When we and the Führer recognized clearly that the other parties did not think of disarming and that, on the contrary, that mighty power to the east of us in particular, Russia, was carrying out an armament program as never before, it became necessary for us, in order to safeguard the most vital interests of the German people, their life and their security, to free ourselves from all ties and to rearm to such an extent as was now necessary for the interests and security of the Reich. That was the first reason for the necessity of reintroducing compulsory service.

DR. STAHMER: To what extent did the Luftwaffe participate in this rearmament?

GÖRING: In 1933, when I founded the Air Ministry, we had not yet gone into the question of rearmament. In spite of that I did arrange for certain basic conditions. I immediately extended manufacture and increased air traffic beyond the extent of necessary traffic, so as to be able to train a larger number of pilots. At that time I took over a number of young people, lieutenants, cadets, who then had to leave the Wehrmacht in order to take up commercial flying and there to learn to fly.

I was aware from the beginning that protection in the air was necessary as one of the most essential conditions for the security of my nation. Originally it was my belief that a defensive air force, that is, a fighter force, might suffice; but upon reflection I realized—and I want to underline what witness Field Marshal Kesselring said on that subject—that one would be lost with merely a fighter force for defense purposes and that even a defensive force must contain

bombers in order that it can be used offensively against the enemy air force on enemy territory.

Therefore I had bomber aircraft developed from commercial airplanes. In the beginning rearmament proceeded slowly. Everything had to be created anew since nothing existed in the way of air armament.

In 1935 I told the Führer that I now considered it proper, since we had repeatedly received refusals in answer to our proposals, to declare to the world openly that we were creating an air force, and that I had already established a certain basis for that. This took place in the form of an interview which I had with a British correspondent.

Now I could proceed to rearm on a larger scale; but in spite of that we confined ourselves at first to what we called a "Risk Air Force," that is a risk insofar as an enemy coming to attack Germany should know that he could expect to meet with an air force. But it was by no means strong enough to be of any real importance.

In 1936 followed the famous report, which was presented to the witness Bodenschatz, in which I said that we must from this moment on work on the basis of mobilization, that money mattered nothing, and that, in short, I should take the responsibility for overdrawing the budget.

Since nothing had existed before, I should be able to catch up quickly only if aircraft production on one hand were made to work with as many shifts and as much speed as possible, that is with maximum effort and on a mobilization basis, and if, on the other hand, extension of the ground forces and similar matters was carried out at once with the greatest possible speed.

The situation in 1936 is defined by me, in that report to my co-workers, as serious. Other states had, to be sure, not disarmed, but here and there they had perhaps neglected their air force and they were catching up on lost ground. Violent debates were taking place in England with regard to modernizing and building up the air force; feverish activities were taking place in Russia, concerning which we had reliable reports—I shall refer to the question of Russian rearmament later.

When the Civil War broke out in Spain, Franco sent a call for help to Germany and asked for support, particularly in the air. One should not forget that Franco with his troops was stationed in Africa and that he could not get the troops across, as the fleet was in the hands of the Communists, or, as they called themselves at the time, the competent Revolutionary Government in Spain. The decisive factor was, first of all, to get his troops over to Spain.

The Führer thought the matter over. I urged him to give support under all circumstances, firstly, in order to prevent the further

spread of communism in that theater and, secondly, to test my young Luftwaffe at this opportunity in this or that technical respect.

With the permission of the Führer, I sent a large part of my transport fleet and a number of experimental fighter units, bombers, and antiaircraft guns; and in that way I had an opportunity to ascertain, under combat conditions, whether the material was equal to the task. In order that the personnel, too, might gather a certain amount of experience, I saw to it that there was a continuous flow, that is, that new people were constantly being sent and others recalled.

The rearming of the Air Force required, as a basic condition, the creation of a large number of new industries. It was no help to me to build a strong Air Force and not to have any gasoline for it. Here, too, therefore, I had to speed up the development of the refineries to the utmost. There were other auxiliary industries, above all, aluminum. Since I considered the Luftwaffe the most important part of the Wehrmacht, as far as the security of the Reich was concerned, and, in view of the modernization of technical science, it was my duty as Commander-in-Chief to do everything to develop it to the highest peak; and, too, as nothing was there to begin with, a supreme effort and a maximum amount of work had to be achieved. That I did.

Much has been said here in a cross-examination about four-engine bombers, two-engine bombers, *et cetera*. The witnesses made statements to the best of their knowledge and ability, but they were familiar only with small sections and they gave their opinions from that point of view. I alone was responsible and am responsible, for I was Commander-in-Chief of the Luftwaffe and Minister for Air. I was responsible for the rearmament, the training and the morale of the Luftwaffe.

If at the beginning I did not build any four-engine bombers, it was not because I had qualms that they might be construed as an aggressive force. That would not have disturbed me for one minute. My only reason was that the necessary technical and production conditions did not exist. That kind of bomber simply had not yet been developed by my industry, at any rate not so that I could use it. Secondly, I was still short of aluminum, and anyone only half an expert knows how much aluminum a four-engine bomber swallows up and how many fighters, that is, two-engine bombers, one can build with the same amount.

To start with, I had to ascertain who were likely to be Germany's opponents in a war. Were the technical conditions adequate for meeting an attack against Germany by such an enemy? Of all possible opponents I considered Russia the main opponent, but of

course England, France, and Italy also had to be considered. It was my duty to consider all possibilities.

As far as the European theater of war was concerned, I could, for the time being, be satisfied with bombers which could operate against the important centers of enemy armament industry. Thus, for the time being, I did not need anything more than aircraft which would enable me to do that, but it was important to have more of that kind.

But in a speech to the aircraft industrialists I let it be clearly known that I desired most urgently to have a bomber which, loaded with the necessary bombs, could fly to America and back. I asked them to work on that diligently so that, if America should enter into war against Germany, I could also reach the American armament industry. It was not a question, therefore, of not wanting them. I even, as far as I remember, inaugurated a prize competition for bombers capable of flying at great heights and at great speeds over large distances. Even before the beginning of the war we had begun to develop propellerless aircraft.

Summing up, I should like to say that I did everything possible under the technical and production conditions then prevalent, to rebuild and rearm a strong Air Force. The technical knowledge of that time led us to believe that, after 5 years of war, new technical and practical advances would be made. That is a principle based on experience. I wanted to be prepared to have an Air Force which, however the political situation might develop, would be strong enough to protect the nation and to deal blows to Germany's enemy. It is perfectly correct for Mr. Justice Jackson to ask whether the speedy elimination of Poland and France was due to the fact that the German Air Force, acting according to modern principles, contributed so much. It was the decisive factor. On the other hand, though this does not concern me, the use of the American air force was also a decisive factor for the Allied victory.

DR. STAHMER: Has the fact that you were given control of raw materials already in April 1936 anything to do with this rebuilding of the Air Force?

GÖRING: I need not repeat what the witness Körner elaborated yesterday, or the day before yesterday, with regard to my gradual rise in economic leadership. The starting point was the agricultural crisis in the year of 1935. In the summer of 1936 the then Minister of War, Von Blomberg, the Minister of Economy and President of the Reichsbank, Schacht, and Minister Kerrl came to me and asked me whether I was prepared to back a suggestion of theirs which they wanted to submit to the Führer, namely, that I be appointed Commissioner for Raw Materials and Foreign Exchange. It was

agreed that I should not function as an economics expert, which I was not; but some one was needed to take care of the difficulties due to shortage of foreign currency, which continuously arose because of our heavy demands, and at the same time to make available and accumulate raw materials—someone who was capable of taking measures which would perhaps not be understood by many people, but would have the weight of his authority. Secondly, it was decided that in this sphere, though not as an expert, I should be the driving power and use my energy.

Minister Schacht, who was the expert, had difficulties with the Party. He was not a member of the Party. He was at that time on excellent terms with the Führer and me, but not so much with the members of the Party. The danger arose that the appropriate measures might not be understood by the latter, and in this connection I would be the right man to make these things known to the people and the Party.

That is how that came about. But since I, as Minister of Air, was, as I have explained, interested in raw materials, I played an ever increasingly important role. Then the differences between agriculture and economy in regard to foreign currency came more to the fore, so that I had to make decisions, decisions which became more drastic. Thus I entered the field of economic leadership. I devoted a great deal of time and work to this task, particularly to procuring the raw materials necessary for economy and for rearmament. Out of this the Four Year Plan arose which gave me far-reaching plenary powers.

DR. STAHMER: What was the aim of the Four Year Plan?

GÖRING: The Four Year Plan had two aims: First, that German economy as far as possible and particularly in the agricultural sector, should be made secure against any crisis; secondly, in the event of war, Germany should be able to withstand a blockade to the greatest extent possible. Therefore it was necessary, first, to increase agriculture to the utmost, to control and direct it, to control consumption, and to store up supplies by means of negotiations with foreign countries; secondly, to ascertain which raw materials, imported until then, could be found, produced, and procured in Germany itself, and which raw materials that were difficult to import could be replaced by others more easily obtainable. Briefly, as far as the agricultural sphere was concerned: utilization of every available space; regulation of cultivation according to the crops needed; control of animal breeding; building up of reserves for times of need or crop failures; as far as the industrial sector was concerned, the creation of industries supplying raw materials: First, coal—although there was sufficient coal, its production would have

to be increased considerably, since coal is the basic raw material on which so many other things are dependent; iron—our mining industry had made itself so dependent on foreign countries that, in the event of a crisis, a most disastrous situation might arise here. I can quite understand that from the purely financial and business point of view that was all right but, nevertheless, we should have to mine and make available the German iron ores which were at our disposal, even though they were inferior to the Swedish ores; we should have to compel industry to make alloys and manage with German ores.

I recklessly allowed industry a year's time. As industry by then had still not begun to exploit these ores, I founded the Reich works which were given my name. They were primarily for opening up iron-ore reserves in German soil and using them in the mining industry. It was necessary to set up oil refineries, aluminum works and various other works, and then to promote the development of the so-called synthetic material industry in order to replace necessary raw materials which could be obtained only from abroad and under difficult circumstances. In the field of textiles this involved the conversion of the textile industry and of I. G. Farben.

That, roughly, was the task of the Four Year Plan.

Naturally a third question is of importance in this connection: the question of labor. Co-ordination was necessary here too. The most important industries had to have workers; less important industries had to dispense with them. The control of this allocation of labor, which before the war functioned only within Germany, was another task of the Four Year Plan and the Department for the Allocation of Labor.

The Four Year Plan as such very quickly assumed too large proportions as an official organization. Then, after Schacht had left, I took over the Ministry of Economy for 2 months and fitted the Four Year Plan into it. I retained only a very small staff of collaborators and carried out the tasks with the assistance of the ministries competent to deal with these things.

DR. STAHMER: Was the purpose of carrying out these plans that of preparing for aggressive war?

GÖRING: No, the aim of the plans was, as I said, to make Germany secure against economic crises, and to make her secure against a blockade in the event of war, and, of course, within the Four Year Plan to provide the necessary conditions for rearmament. That was one of its important tasks.

DR. STAHMER: How did the occupation of the Rhineland come about?

GÖRING: The occupation of the Rhineland was not, as has been asserted here, a long-prepared affair. What had been discussed previously did not deal with the occupation of the Rhineland, but with the question of mobilization measures in the Rhineland in case of an attack on Germany.

The Rhineland occupation came about for two reasons. The balance which was created through the Locarno Pact had been disturbed in western Europe, because a new factor had arisen in France's system of allies, namely Russia, who even at that time had an extraordinarily large armed force. In addition, there was the Russian-Czechoslovakian mutual assistance pact. Thus, the conditions upon which the Locarno Pact had been based no longer existed, according to our way of thinking. So, there was now such a threat to Germany, or the possibility of such a threat, that it would have been a neglect of duty and honor on the part of the Government if it had not done everything to ensure, here also, the security of the Reich. The Government therefore—as a sovereign state—made use of its sovereign right and freed itself from the dishonorable obligation not to place a part of the Reich under its protection, and it did place this important part of the Reich under its protection by building strong fortifications.

The construction of such strong fortifications, such expensive fortifications and such extensive fortifications, is justified only if that frontier is regarded as final and definitive. If I had intended to extend the frontier in the near future, it would never have been possible to go through with an undertaking so expensive and such a burden to the whole nation as was the construction of the West Wall. This was done—and I want to emphasize this particularly—from the very beginning only in the interest of defense and as a defensive measure. It made the western border of the Reich secure against that threat which, because of the recent shift of power, and the new combination of powers such as the Franco-Russian mutual assistance pact, had become a threat to Germany. The actual occupation, the decision to occupy the Rhineland, was made at very short notice. The troops which marched into the Rhineland were of such small numbers—and that is an historical fact—that they provided merely a token occupation. The Luftwaffe itself could not, for the time being, enter the Rhine territory on the left at all, since there was no adequate ground organization. It entered the so-called demilitarized territory on the right of the Rhine, Düsseldorf and other cities. In other words, it was not as if the Rhineland were suddenly occupied with a great wave of troops; but, as I said before, it was merely that a few battalions and a few batteries marched in as a symbol that the Rhineland was now again under the full sovereignty of the sovereign German Reich and would in the future be protected accordingly.

DR. STAHMER: What were Hitler's aims when he created the Reich Defense Council and when he issued the Reich Defense Law?

GÖRING: The Reich Defense Council, during the last months, played a very important role here. I hope I shall not be misunderstood; I believe that during these months more has been said about it than was ever said since the moment of its creation. In the first place it is called Reich Defense Council and not Reich Council for the Offensive. Its existence is taken for granted. It exists in every other country in some form or other, even if it has another name. First of all, there was a Reich Defense Committee already, before our seizure of power. In this committee there were official experts from all the ministries for the purpose of carrying out mobilization preparations or, better said, mobilization measures, which automatically come into consideration in any kind of development—war, the possibility of war, the facts of war involving bordering states and the subsequent need to guard one's neutrality. These are the usual measures to be taken—to ascertain how many horses have to be levied in case of mobilization, what factories have to be converted, whether bread ration cards and fat ration cards have to be introduced, regulation of traffic, *et cetera*—all these things need not be dealt with in detail, because they are so obvious.

All such discussions took place in the Reich Defense Committee—discussions by the official experts presided over by the then chief of the ministerial office in the Reich Ministry of War, Keitel. The Reich Defense Council was created, for the time being, as a precautionary measure, when the armed forces were re-established, but it existed only on paper. I was, I think, Deputy Chairman or Chairman—I do not know which—I heard it mentioned here. I assure you under oath that at no time and at no date did I participate in a meeting at which the Reich Defense Council as such was called together. These discussions, which were necessary for the defense of the Reich, were held in a completely different connection, in a different form and depended on immediate needs. Naturally, there were discussions about the defense of the Reich, but not in connection with the Reich Defense Council. This existed on paper, but it never met. But even if it had met, that would have been quite logical, since this concerns defense and not attack. The Reich Defense Law, or rather the Ministerial Council for the Reich Defense, which is probably what you mean, was created only one day before the outbreak of the war, since the Reich Defense Council actually did not exist. This Ministerial Council for Reich Defense is not to be considered the same as, for instance, the so-called War Cabinet that was formed in England when the war broke out, and perhaps in other countries. On the contrary, this Ministerial Council for the

Reich Defense was—by using abbreviated procedure—to issue only the regulations necessary for wartime, laws dealing with daily issues, explanations to the people, and it was to relieve the Führer to a considerable extent, since he had reserved for himself the leadership in military operations. The Ministerial Council therefore issued, first of all, all those laws which, as I should like to mention, are to be expected in any country at the beginning of a war. In the early period it met three or four times, and after that not at all. I, too, had no time after that. To abbreviate the procedure, these laws were circulated and then issued. One, or one and a half years afterwards—I cannot remember the exact time—the Führer took the direct issuance of laws more into his own hands. I was the co-signer of many laws in my capacity as Chairman of this Ministerial Council. But that, too, was practically discontinued in the latter years. The Ministerial Council did not meet again at all after 1940, I think.

DR. STAHMER: The Prosecution has presented a document, Number 2261-PS. In this document a Reich Defense Law of 21 May 1935 is mentioned, which for the time being was kept in abeyance by order of the Führer. I shall have that document shown to you and I ask you to give your views on it?

GÖRING: I am familiar with it.

DR. STAHMER: Would you please state your views?

GÖRING: After the Reich Defense Council had begun to exist, a Reich Defense Law was provided in 1935 for the event of a mobilization. The agreement or, better said, decision, was made by the Reich Cabinet and this law was to be applied and became effective in the case of a mobilization. Actually it was replaced when mobilization did come about, by the law I have mentioned regarding the Ministerial Council for the Reich Defense. In this law, before the time of the Four Year Plan, that is 1935, a Plenipotentiary for Economy was created, at first for the event of a mobilization, and a Plenipotentiary for Administration; so that if war occurred, then all the departments of the entire administration would be concentrated under one minister and all the departments concerned with economy and armament were likewise to be concentrated under one minister. The Plenipotentiary for Administration did not function before mobilization. The Plenipotentiary for Economy, on the other hand—this title was not to be made known to the public—was to begin his tasks immediately. That was indeed necessary. This is perhaps the clearest explanation of the fact that the creation of the Four Year Plan necessarily led to clashes between the Plenipotentiary for Economy and the Delegate for the Four Year Plan, since both of them were more or less working on

the same or similar tasks. When, therefore, in 1936, I was made Delegate for the Four Year Plan, the activities of the Plenipotentiary for Economy practically ceased.

DR. STAHMER: Mr. President, ought I to stop now with the questioning?

THE PRESIDENT: Yes, I think that would be a good time.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. STAHMER: A word has been repeatedly used here: Reich Research Council (Reichsforschungsrat). What kind of institution was that?

GÖRING: I believe it was in the year 1943 that I received the order to concentrate the entire field of German research, particularly insofar as it was of urgent importance to the conduct of war. Unfortunately, that was done much too late. The purpose was to avoid parallel research and useless research, to concentrate all research on problems important for the war. I myself became President of the Reich Research Council and established directives for research according to the purpose mentioned.

DR. STAHMER: Did this have any connection with the Research Office of the Air Force?

GÖRING: No, the Research Office of the Air Force was entirely different, and it had nothing to do with either research on the one hand or the Air Force on the other hand. The expression was a sort of camouflage, for, when we came to power, there was considerable confusion on the technical side of control of important information. Therefore, I established for the time being the Research Office, that was an office where all technical devices for the control of radio, telegraph, telephone, and all other technical communications could be provided. Since I was then only Reich Minister for Air I could do this within only my own ministry and therefore used this camouflaged designation. This machinery served to exert control above all over foreign missions, and important persons, who had telephone, telegraph, and radio connections with foreign countries, as is customary everywhere in all countries, and then to decipher the information thus extracted and put it at the disposal of other departments. The office had no agents, no intelligence service, but was a purely technical office intercepting wireless messages, telephone conversations, and telegrams, wherever it was ordered, and passing on the information to the offices concerned. In this connection I may say that I have also read much about those communications made by Mr. Messersmith, which figured here. He was at times the main source for such information.

DR. STAHMER: What was the purpose and importance of the Secret Cabinet Council which was created a short time after the seizure of power?

GÖRING: In February 1938 there came about the retirement of the War Minister, Field Marshal Von Blomberg. Simultaneously, because of particular circumstances, the Commander-in-Chief of the Army, Colonel General Von Fritsch, retired, that is to say, the

Führer dismissed him. The coincidence of these retirements or dismissals was, in the eyes of the Führer, disadvantageous to the prestige of the Wehrmacht. He wanted to divert attention from this change in the Wehrmacht by means of a general reshuffling. He said he wanted above all to change the Foreign Office because only such a change would make a strong impression abroad and would be likely to divert attention from the military affairs. At the time I opposed the Führer very strongly about this. In lengthy, wearisome personal conversations I begged him to refrain from a change in the Foreign Office. He thought, however, that he would have to insist upon it.

The question arose as to what should be done after Herr Von Neurath's retirement or after the change. The Führer intended to keep Herr Von Neurath in the Cabinet by all means for he had the greatest personal esteem for him. I myself have always expressed my respect for Herr Von Neurath. In order to avoid a lowering of Herr Von Neurath's prestige abroad, I myself was the one to make a proposal to the Führer. I told him that in order to make it appear abroad that Von Neurath had not been entirely removed from foreign policy, I would propose to appoint him chairman of the Secret Cabinet Council. There was, to be sure, no such cabinet in existence, but the expression would sound quite nice, and everyone would imagine that it meant something. The Führer said we could not make him chairman if we had no council. Thereupon I said, "Then we shall make one," and offhand I marked down names of several persons. How little importance I attached to this council can be seen in the fact that I myself was, I think, one of the last on that list.

Then, for the public at large the council was given out to be an advisory council for foreign policy. When I returned I said to my friends, "The affair has gone off all right, but if the Führer does not ask the Foreign Minister for advice, he certainly will not ask a cabinet council for advice on foreign policy; we will not have anything to do with it!" I declare under oath that this Cabinet Council never met at all, not even for a minute; there was not even an initial meeting for laying down the rules by which it should function. Some members may not even have been informed that they were members.

DR. STAHMER: When was the Reich Cabinet in session last?

GÖRING: As far as I remember, the last meeting of the Reich Cabinet was in 1937, and, as far as I can remember, I presided over the last meeting, the Führer having left shortly after the beginning. The Führer did not think much of Cabinet meetings; it was too large a circle for him, and perhaps there was too much discussion of his plans, and he wanted that changed.

From that time on there were only individual conferences—conferences with single ministers or with groups of ministers from the ministries concerned. But since the ministers found, very rightly, that this made their work difficult, a solution was adopted whereby I, under the title of the Four Year Plan, called the ministers together more frequently, in order to discuss general matters with them. But at no time in the Cabinet or the Ministerial Council was any political decision of importance mentioned or discussed, as, for instance, those decisions—the annexation of Austria, the Sudetenland, and Czechoslovakia—which finally led to war. I know how much importance the Führer attached to the fact that in all these matters only those ministers should be informed who absolutely had to be informed, because of the nature of their work, and that only at the very last minute. Here too, I can say under oath that quite a number of ministers were not informed about the beginning of the war or the march into Czechoslovakia, the Sudetenland, or Austria until the next morning, when they learned about it by radio or through the press, just as any other German citizen.

DR. STAHMER: What part did you have in making the Munich Pact of September 1938?

GÖRING: The incorporation of the Sudeten Germans or, better said, the solution of the Sudeten German problem I had always emphasized as being something that was necessary. I also told the Führer after the Anschluss of Austria that I should regret it if his statements were misunderstood to mean that with the Anschluss of Austria this question had been settled.

In November 1937, I stated to Lord Halifax that the Anschluss of Austria, the solution of the Sudeten German question in the sense of a return of the Sudeten Germans, and the solution of the problem of Danzig and the Corridor were integral parts of German policy. Whether they were tackled by Hitler one day, or by me or somebody else the next day, they would still remain political aims which under all circumstances would have to be attained sometime. However, both of us agreed that all efforts should be made to achieve that without resorting to war.

Furthermore, in my conversations with Mr. Bullitt I had always taken up the very same position. And I told every other person, publicly and personally, that these three points had to be settled and that the settlement of the one would not make the others unimportant.

I also want to stress that, if in connection with this, and also in connection with other things, the Prosecution accuses us of not having kept this or that particular promise that Germany had made in the past, including the Germany that existed just before the

seizure of power, I should like to refer to the many speeches in which both the Führer—this I no longer remember so well—and I, as I know very well, stated that we warned foreign countries not to make any plans for the future on the basis of any promises made by the present government, that we would not recognize these promises when we acquired power. Thus there was absolute clarity in respect to this.

When the Sudeten question approached a crisis and a solution was intended by the Führer, I, as a soldier and Commander-in-Chief of the Luftwaffe, as was my duty, took the preparatory measures, ordered for any eventuality. As a politician I was extremely happy at the attempts which were made to find a peaceful solution. I acknowledge that at that time I was very glad when I saw that the British Prime Minister was making every possible effort. Nevertheless, the situation on the day before the Munich agreement had again become very critical.

It was about 6:30 or 7 o'clock in the morning when the Italian Ambassador, Attolico, rang me up and said that he had to see me immediately on orders from Mussolini, that it was about the solution of the Sudeten problem. I told him he should go and see the Foreign Minister. He said he had a special order from Mussolini to see me alone first. I met him, as far as I remember, at 9 o'clock in the morning, and there he suggested that Mussolini was prepared to mediate; that a meeting should be called as soon as possible between Germany (Adolf Hitler), England (Prime Minister Chamberlain), France (Premier Daladier), and Italy (Mussolini), in order to settle the question peacefully. He, Mussolini, saw a possibility of that and was prepared to take all necessary steps and asked me personally to use all my influence in that direction. I took the Ambassador, and also Herr Von Neurath although he was not Foreign Minister at that time, at once to the Reich Chancellery and reported everything to the Führer, tried to persuade him, explained to him the advantages of such a step and said that this could be the basis for a general easing of tension. Whether the other current political and diplomatic endeavors would be successful one could not yet say, but if four leading statesmen of the four large western European powers were to meet, then much would be gained by that.

Herr Von Neurath supported my argument, and the Führer agreed and said we should call the Duce by telephone. Attolico, who waited outside, did that immediately, whereupon Mussolini called the Führer officially and matters were agreed and Munich decided upon as the place.

Late in the afternoon I was informed by the Italian Embassy that both the British Prime Minister and the French Prime Minister had agreed to arrive at Munich the next day.

I asked the Führer, or rather, I told him, that under all circumstances I would go along. He agreed. Then I suggested that I could also take Herr Von Neurath with me in my train. He agreed to that also.

I took part in some of the discussions and, when necessary, contributed to the settlement of many arguments and, above all, did my best to create a friendly atmosphere on all sides. I had personal conversations with M. Daladier and Mr. Chamberlain, and I was sincerely happy afterwards that everything had gone well.

DR. STAHMER: Before that, the Anschluss of Austria with Germany had taken place. What reasons did Hitler have for that decision, and to what extent did you play a part in those measures?

GÖRING: I told the Tribunal yesterday, when I gave a brief outline of my life, that I personally felt a great affinity for Austria; that I had spent the greater part of my youth in an Austrian castle; that my father, even at the time of the old empire, often spoke of a close bond between the future of the German motherland of Austria and the Reich, for he was convinced that the Austrian Empire would not hold together much longer.

In 1918 while in Austria for 2 days, having come by plane, I saw the revolution and the collapse of the Hapsburg Empire take place. Those countries, with a predominantly German population, including Sudeten Germany, convened at that time in Vienna in the Parliament. They declared themselves free of the dissolved Hapsburg State and declared, including the representatives of Sudeten Germany, Austria to be a part of the German Reich. This happened, as far as I know, under the Social Democratic Chancellor, Renner. This statement by the representatives of the Austrian-German people that they wanted to be a part of Germany in the future was changed by the peace treaty of St. Germain and prohibited by the dictate of the victorious nations. Neither for myself nor for any other German was that of importance.

The moment and the basic conditions had of course to be created for a union of the two brother nations of purely German blood and origin to take place. When we came to power, as I have said before, this was naturally an integral part of German policy.

The assurances which Hitler gave at that time regarding the sovereignty of Austria were no deception; they were meant seriously. At first he probably did not see any possibility. I myself was much more radical in this direction and I asked him repeatedly not to make any definite commitments regarding the Austrian question. He believed, however, that he had first of all to take Italy into consideration.

It was evident, especially after the National Socialist Party in Germany had come to power, that the National Socialist Party in

Austria was also growing more and more. This party, however, had existed in Austria even before the seizure of power in Germany, just as the origin of the National Socialist Workers Party goes back to Sudeten Germany. The Party in Austria was therefore not a Fifth Column for the Anschluss, because the Austrian people themselves originally wanted and always wanted the Anschluss. If the idea of the Anschluss did not figure so clearly and strongly in the Austrian Government of that time, it was not because it did not want to be joined to Germany, but because the National Socialist form of government was not compatible in any way with the form of government in Austria at that time.

Thus there resulted that tension, first in Austria itself, which has repeatedly been mentioned by the Prosecution in its charges. This tension was bound to come because the National Socialists took the idea of the Anschluss with Germany more seriously than the Government did. This resulted in political strife between the two. That we were on the side of the National Socialists as far as our sympathies were concerned is obvious, particularly as the Party in Austria was severely persecuted. Many were put into camps, which were just like concentration camps but had different names.

At a certain time the leader of the Austrian Party was a man by the name of Habicht from Wiesbaden. I did not know him before; I saw him only once there. He falsely led the Führer to believe, before the so-called Dollfuss case, that the Austrian armed forces were prepared to undertake something independently in order to force the government to accept the Anschluss, or else they would overthrow it. If this were the case, that the Party in Austria was to support whatever the armed forces undertook along those lines, then, so the Führer thought, it should have the political support of the Party in Germany in this matter. But the whole thing was actually a deception, as it was not the Austrian Army which intended to proceed against the Austrian Government but rather a so-called "Wehrmacht Standarte," a unit which consisted of former members, and released or discharged members, of the Austrian Army who had gone over to the Party or joined it.

With this deceptive maneuver Habicht then undertook this action in Vienna. I was in Bayreuth with the Führer at the time. The Führer called Habicht at once and reproached him most severely and said that he had falsely informed him, tricked him and deceived him.

He regretted the death of Dollfuss very much because politically that meant a very serious situation as far as the National Socialists were concerned, and particularly with regard to Italy. Italy mobilized five divisions at that time and sent them to the Brenner Pass. The

Führer desired an appeasement which would be quick and as sweeping in its effect as possible. That was the reason why he asked Herr Von Papen to go as an extraordinary ambassador to Vienna and to work for an easing of the atmosphere as quickly as possible.

One must not forget the somewhat absurd situation which had developed in the course of years, namely, that a purely German country such as Austria was not most strongly influenced in governmental matters by the German Reich but by the Italian Government. I remember that statement of Mr. Churchill's, that Austria was practically an affiliate of Italy.

After the action against Dollfuss, Italy assumed a very standoffish attitude toward Germany and made it clear that Italy would be the country which would do everything to prevent the Anschluss. Therefore, besides the internal clearing up of Germany's relations with Austria by Herr Von Papen, the Führer also tried to bring about a change in Mussolini's attitude to this question. For this reason he went to Venice shortly afterwards—maybe it was before—at any rate he tried to bring about a different attitude.

But I was of the opinion that in spite of everything we may have had in common, let us say in a philosophic sense—fascism and National Socialism—the Anschluss of our brother people was much more important to me than this coming to an agreement. And if it were not possible to do it with Mussolini, we should have to do it against him.

Then came the Italian-Abyssinian war. With regard to the sanctions against Italy, Germany was given to understand, not openly but quite clearly, that it would be to her advantage, as far as the Austrian question was concerned, to take part in these sanctions.

That was a difficult decision for the Führer to make, to declare himself out and out against Italy and to achieve the Anschluss by these means or to bind himself by obligation to Italy by means of a pro-Italian or correct attitude and thus to exclude Italy's opposition to the Anschluss. I suggested to him at that time, in view of the somewhat vague offer regarding Austria made by English-French circles, to try and find out who was behind this offer and whether both governments were willing to come to an agreement in regard to this point and to give assurances to the effect that this would be considered an internal German affair, and not some vague assurances of general co-operation, *et cetera*.

My suspicions proved right; we could not get any definite assurances. Under those circumstances, it was more expedient for us to prevent Italy being the main opponent to the Anschluss by not joining in any sanctions against her.

I was still of the opinion that the great national interest of the union of these German peoples stood above all considerations

regarding the differences between the two present governments. For this to happen it could not be expected that the government of the great German Reich should resign and that Germany should perhaps be annexed to Austria; rather the Anschluss would have to be carried through sooner or later.

Then came the Berchtesgaden agreement. I was not present at this. I did not even consent to this agreement, because I opposed any definite statement which lengthened this period of indecision; for me the complete union of all Germans was the only conceivable solution.

Shortly after Berchtesgaden there was the plebiscite which the then Chancellor Schuschnigg had called. This plebiscite was of itself an impossibility, a breach of the Berchtesgaden agreement. This I shall pass over, but the way in which this plebiscite was supposed to take place was unique in history. One could vote only by "yes," every person could vote as often as he wanted, five times, six times, seven times. If he tore up the slip of paper, that was counted as "yes," and so on. It has no further interest. In this way it could be seen from the very beginning that if only a few followers of the Schuschnigg system utilized these opportunities sufficiently the result could be only a positive majority for Herr Schuschnigg. That whole thing was a farce.

We opposed that. First of all a member of the Austrian Government who was at that moment in Germany, General Von Glaise-Horstenau, was flown to Vienna in order to make clear to Schuschnigg or Seyss-Inquart—who, since Berchtesgaden, was in Schuschnigg's Cabinet—that Germany would never tolerate this provocation. At the same time troops which were stationed near the Austrian border were on the alert. That was on Friday, I believe, the 11th. On that day I was in the Reich Chancellery, alone with the Führer in his room. I heard by telephone the news that Glaise-Horstenau had arrived and made our demands known clearly and unmistakably, and that these things were now being discussed. Then, as far as I remember, the answer came that the plebiscite had been called off and that Schuschnigg had agreed to it. At this moment I had the instinctive feeling that the situation was now mobile and that now, finally, that possibility which we had long and ardently awaited was there—the possibility of bringing about a complete solution. And from this moment on I must take 100 percent responsibility for all further happenings, because it was not the Führer so much as I myself who set the pace and, even overruling the Führer's misgivings, brought everything to its final development.

My telephone conversations have been read here. I demanded spontaneously, without actually having first spoken to the Führer about it, the immediate retirement of Chancellor Schuschnigg. When

this was granted, I put my next demand, that now everything was ripe for the Anschluss. And that took place, as is known.

The only thing—and I do not say this because it is important as far as my responsibility is concerned—which I did not bring about personally, since I did not know the persons involved, but which has been brought forward by the Prosecution in the last few days, was the following: I sent through a list of ministers, that is to say, I named those persons who would be considered by us desirable as members of an Austrian Government for the time being. I knew Seyss-Inquart, and it was clear to me from the very beginning that he should get the Chancellorship. Then I named Kaltenbrunner for Security. I did not know Kaltenbrunner, and that is one of the two instances where the Führer took a hand by giving me a few names. Also, by the way, I gave the name of Fischböck for the Ministry of Economy without knowing him. The only one whom I personally brought into this Cabinet was my brother-in-law, Dr. Hueber, as Minister of Justice, but not because he was my brother-in-law, for he had already been Austrian Minister of Justice in the Cabinet of Prelate Seipel. He was not a member of the Party at that time, but he came from the ranks of the Heimwehr and it was important for me to have in the Cabinet also a representative of that group, with whom we had at first made common cause, but then opposed. I wanted to be sure of my influence on this person, so that everything would now actually develop towards a total Anschluss. For already plans had again appeared in which the Führer only, as the head of the German Reich, should be simultaneously the head of German Austria; there would otherwise be a separation. That I considered intolerable. The hour had come and we should make the best use of it.

In the conversation which I had with Foreign Minister Von Ribbentrop, who was in London at that time, I pointed out that the ultimatum had not been presented by us but by Seyss-Inquart. That was absolutely true *de jure; de facto,* of course it was my wish. But this telephone conversation was being listened to by the English, and I had to conduct a diplomatic conversation, and I have never heard yet that diplomats in such cases say how matters are *de facto;* rather they always stress how they are *de jure.* And why should I make a possible exception here? In this telephone conversation I demanded of Herr Von Ribbentrop that he ask the British Government to name British persons in whom they had the fullest confidence. I would make all arrangements so that these persons could travel around Austria everywhere in order to see for themselves that the Austrian people in an overwhelming majority wanted this Anschluss and greeted it with enthusiasm. Here, during the discussion of the Austrian question no mention was made of the fact

that already—this conversation took place on a Friday—the Sunday before in Styria, one of the most important parts of the hereditary countries, an internal partial Anschluss had practically taken place, and that the population there had already declared itself in favor of the Anschluss and had more or less severed its ties with the Viennese Government.

DR. STAHMER: I have had handed to you a record of that conversation. It has been put in by the Prosecution. One part of it has not been read into the record yet, but you have given its contents. Would you please look at it?

GÖRING: Yes; I attach importance to having only those passages in this document read in which I refer to the fact that I considered it important that the English Government should send to Austria as soon as possible people in whom they had confidence, in order that they might see for themselves the actual state of affairs; and secondly, those passages in which I refer to the fact that we were going to hold a plebiscite according to the Charter of the Saar Plebiscite and that, whatever the result might be, we should acknowledge it. I could promise that all the more, as it was personally known to me and quite clear that an overwhelming majority would vote in favor of the Anschluss.

Now I come to the decisive part concerning the entry of the troops. That was the second point where the Führer interfered and we were not of the same opinion. The Führer wanted the reasons for the march into Austria to be a request by the new Government of Seyss-Inquart, that is the government desired by us—that they should ask for the troops in order to maintain order in the country. I was against this, not against the march into Austria—I was for the march under all circumstances—against only the reasons to be given. Here there was a difference of opinion. Certainly there might be disturbances at one place, namely Vienna and Wiener-Neustadt, because some of the Austrian Marxists, who once before had started an armed uprising, were actually armed. That, however, was not of such decisive importance. It was rather of the greatest importance that German troops should march into Austria immediately in sufficient numbers to stave off any desire on the part of a neighboring country to inherit even a single Austrian village on this occasion.

I should like to emphasize that at that time Mussolini's attitude to the Austrian question had not yet crystallized, although I had worked on him the year before to that end. The Italians were still looking with longing eyes at eastern Tyrol. The five divisions along the Brenner Pass I had not forgotten. The Hungarians talked too much about the Burgenland. The Yugoslavs once mentioned something about Carinthia, but I believe that I made it clear to them at the time that that was absurd. So to prevent the fulfillment of

these hopes once and for all, which might easily happen in such circumstances, I very definitely wanted the German troops to march into Austria proclaiming: "The Anschluss has taken place; Austria is a part of Germany and therefore in its entirety automatically and completely under the protection of the German Reich and its Armed Forces."

The Führer did not want to have such a striking demonstration of foreign policy, and finally asked me to inform Seyss-Inquart to send a telegram to that effect. The fact that we were in agreement about the decisive point, the march into Austria, helps explain the telephone conversation in which I told Seyss-Inquart that he need not send a telegram, that he could do it by telephone; that would be sufficient. That was the reason. Mussolini's consent did not come until 11:30 at night. It is well known what a relief that was for the Führer.

In the evening of the same day, after everything had become clear, and the outcome could be seen in advance, I went to the Flieger Club, where I had been invited several weeks before, to a ball. I mention this because here that too has been described as a deceptive maneuver. But that invitation had been sent out, I believe, even before the Berchtesgaden conference took place. There I met almost all the diplomats. I immediately took Sir Nevile Henderson, the British Ambassador, aside. I spoke to him for 2 hours and gave him all the reasons and explained everything, and also asked him to tell me—the same question which I later asked Ribbentrop—what nation in the whole world was damaged in any way by our union with Austria? From whom had we taken anything, and whom had we harmed? I said that this was an absolute restitution, that both parts had belonged together in the German Empire for centuries and that they had been separated only because of political developments, the later monarchy and Austria's secession.

When the Führer flew to Austria the next morning, I took over all the business of the Reich in his absence, as is known. At that time I also prohibited for the time being the return of the so-called Austrian Legion—that was a group of people who had left Austria during the early time of the fighting period—because I did not want to have any disturbances. Secondly, however, I also made sure that north of the Danube, that is between the Czechoslovak border and the Danube, only one battalion should march through the villages, so that Czechoslovakia would see very clearly that this was merely an Austro-German affair. That battalion had to march through so that the towns north of the Danube could also take part in the jubilation.

In this connection I want to stress two points in concluding: If Mr. Messersmith says in his long affidavit that before the Anschluss

I had made various visits to Yugoslavia and Hungary in order to win over both these nations for the Anschluss, and that I had promised to Yugoslavia a part of Carinthia, I can only say in answer to these statements that I do not understand them at all. My visits in Yugoslavia and the other Balkan countries were designed to improve relations, particularly trade relations, which were very important to me with respect to the Four Year Plan. If at any time Yugoslavia had demanded one single village in Carinthia, I would have said that I would not even answer such a point, because, if any country is German to the core, it was and is Carinthia.

The second point: Here in the Indictment mention is made of an aggressive war against Austria. Aggressive war is carried out by shooting, throwing bombs, and so on; but there only one thing was thrown—and that was flowers. But maybe the Prosecution meant something else, and there I could agree. I personally have always stated that I would do everything to make sure that the Anschluss should not disturb the peace, but that in the long run, if this should be denied us forever, I personally might resort to war in order to reach this goal; that these Germans return to their fatherland—a war for Austria, not against Austria.

I believe, I have given in brief a picture of the Austrian events. And I close with the statement that in this matter not so much the Führer as I, personally, bear the full and entire responsibility for everything that has happened.

DR. STAHMER: On the evening before the march of the troops into Austria you also had a conversation with Dr. Mastny, the Czechoslovak Ambassador. On this occasion you are supposed to have given a declaration on your word of honor. What about that conversation?

GÖRING: I am especially grateful that I can at last make a clear statement about this "word of honor," which has been mentioned so often during the last months and which has been so incriminating for me.

I mentioned that on that evening almost all the diplomats were present at that ball. After I had spoken to Sir Nevile Henderson and returned to the ballroom, the Czechoslovak Ambassador, Dr. Mastny, came to me, very excited and trembling, and asked me what was happening that night and whether we intended to march into Czechoslovakia also. I gave him a short explanation and said, "No, it is only a question of the Anschluss of Austria; it has absolutely nothing to do with your country, especially if you keep out of things altogether."

He thanked me and went, apparently, to the telephone. But after a short time he came back even more excited, and I had the impression that in his excitement he could hardly understand me. I said

to him then in the presence of others: "Your Excellency, listen carefully. I give you my personal word of honor that this is a question of the Anschluss of Austria only, and that not a single German soldier will come anywhere near the Czechoslovak border. See to it that there is no mobilization on the part of Czechoslovakia which might lead to difficulties." He then agreed.

At no time did I say to him, "I give you my word of honor that we never want to have anything to do with Czechoslovakia for all time." All he wanted was an explanation for this particular event, for this particular time. I gave him this particular explanation, because I had already clearly stated before that that the solution of the Sudeten German problem would be necessary at some time and in some way. I would never have given him a declaration on my word of honor in regard to a final solution, and it would not have been possible for me, because before that, I had already made a statement to a different effect. An explanation was desired for the moment and in connection with the Austrian events. I could conscientiously assure him on my word of honor that Czechoslovakia would not be touched then, because at that time no decisions had been made by us, as far as a definite time was concerned with respect to Czechoslovakia or the solution of the Sudeten problem.

DR. STAHMER: On the 15 March 1939 a conversation took place between Hitler and President Hacha. Were you present during that conversation? And what was your part in it?

GÖRING: That was the beginning of the establishment of the Protectorate in Czechoslovakia. After Munich—that is, after the Munich Agreement and the solution of the Sudeten German problem—a military decision had been reached by the Führer and some of his collaborators to the effect that, if there should be new difficulties after the Munich agreement, or arising from the occupation of the zones, certain measures of precaution would have to be taken by the military authorities, for, after the occupation of the zones, the troops which had been in readiness for "Case Green" (Schmundt File) had been demobilized. But a development might easily take place which at any moment could become extremely dangerous for Germany. One needs only to remember what an interpretation was given at that time by the Russian press and the Russian radio to the Munich agreement and to the occupation of the Sudetenland. One could hardly use stronger language. There had been a liaison between Prague and Moscow for a long time. Prague, disappointed by the Munich agreement, could now strengthen its ties with Moscow. Signs of that were seen particularly in the Czech officers' corps and we were informed. And in the event of this proving dangerous to Germany, instructions had been issued to the various military offices to take preventive measures, as was their

duty. But that order has nothing to do with any intention of occupying the rest of Czechoslovakia after a short time.

I myself went to the Riviera at the end of January for my first long vacation and during that time I dropped all business affairs. At the beginning of March, much to my surprise, a courier came from the Führer with a letter in which the Führer informed me that developments in Czechoslovakia were such that he could not let things go on as they were with impunity. They were becoming an increasing menace to Germany, and he was determined to solve the question now by eliminating Czechoslovakia as a source of danger right in the center of Germany, and he therefore was thinking of an occupation.

During that time I had met many Englishmen in San Remo. I had realized that they had made the best of Munich and even found it satisfactory, but that any other incidents, or demands on Czechoslovakia would cause considerable excitement.

I sent a letter back by courier. Maybe it is among the many tons of documents in the possession of the Prosecution. I could also understand if they do not submit it, for it would be a document of an extenuating character as far as I am concerned. In this letter I communicated these views to the Führer and wrote to him somewhat as follows: That if this were to take place now, it would be a very serious loss of prestige for the British Prime Minister, Chamberlain, and I hardly believed that he would survive it. Then probably Mr. Churchill would come in, and the Führer knew Churchill's attitude toward Germany. Secondly, it would not be understood, since just a short time previously we had settled these things to general satisfaction. Thirdly, I thought I could calm him by telling him the following: I believed that what he wanted to eliminate at the moment in the way of danger, by the occupation of Czechoslovakia, could be achieved in a somewhat lengthier manner, at the same time avoiding anything which might excite Czechoslovakia as well as other countries. I was convinced that since the Sudetenland had been separated and Austria was a part of Germany an economic penetration of Czechoslovakia would be only a matter of time. That is to say, I hoped by strong economic ties to reach a communications, customs, and currency union, which would serve the economic interests of both countries. If this took place, then a sovereign Czechoslovakia would be politically so closely bound to Germany and German interests that I did not believe that any danger could arise again. However, if Slovakia expressed her desire for independence very definitely we should not have to counteract that in any way. On the contrary, we could support it, as then economic co-operation would naturally become even much closer than otherwise; for, if Slovakia were to secede, both countries would

have to look to Germany in economic matters, and in such matters both countries could be made interested in Germany and could be most closely bound to Germany.

This letter—I have just given the gist of it—the courier took back. Then I heard nothing for some days.

THE PRESIDENT: Would that be a convenient time for us to break off?

[A recess was taken.]

DR. STAHMER: Will you continue, please?

GÖRING: I was then called to Berlin on very short notice. I arrived in Berlin in the morning and President Hacha arrived in the evening of the same day. I presented orally to the Führer the views which I had already expressed in my letter. The Führer pointed out to me certain evidence in his possession to the effect that the situation in Czechoslovakia had developed more seriously. This state had, for one thing, disintegrated because of the detachment of Slovakia, but that was not the decisive question. He showed me documents from the Intelligence Service which indicated that Russian aviation commissions were present at the airfields of Czechoslovakia, or certain of them, undertaking training, and that such things were not in keeping with the Munich agreement. He said that he feared that Czechoslovakia, especially if Slovakia were detached, would be used as a Russian air base against Germany.

He said he was determined to eliminate this danger. President Hacha had requested an interview, so he told me at the time, and would arrive in the evening; and he wished that I too should be present at the Reich Chancellery.

President Hacha arrived and talked first with the Reich Foreign Minister. At night he came to see the Führer; we greeted him coldly. First he conversed with the Führer alone; then we were called in. Then I talked to him in the presence of his ambassador and urged him to meet as quickly as possible the Führer's demand that troops be kept back when the Germans marched in, in order that there might be no bloodshed. I told him that nothing could be done about it; the Führer had made his decision and considered it necessary, and there would be only unnecessary bloodshed as resistance for any length of time was quite impossible. And in that connection I made the statement that I should be sorry if I had to bomb beautiful Prague. The intention of bombing Prague did not exist, nor had any order been given to that effect, for even in the case of resistance that would not have been necessary—resistance could always be broken more easily without such bombing. But a point

like that might, I thought, serve as an argument and accelerate the whole matter.

I succeeded then in getting a telephone connection between him and his Government in Prague, he gave the order, and the occupation and the march into Prague took place the next day.

DR. STAHMER: Did you accompany the Führer to Prague?

GÖRING: No, I did not accompany him to Prague. I was rather annoyed. I did not enter Czechoslovakia or Sudeten Germany at any time after that incident, with the exception of 21 April 1945 when I passed through a part of Czechoslovakia.

DR. STAHMER: Why were you annoyed?

GÖRING: Because the whole matter had been carried out more or less over my head.

DR. STAHMER: Did other powers take a part in the occupation of Czechoslovakia?

GÖRING: Yes. Poland took the Olsa territory at that time.

DR. STAHMER: The Prosecution have presented a document from which the conclusion is drawn that the murder of the German Ambassador was to take place in connection with anti-German demonstrations in Prague. It has been interpreted as if this assassination of the German Ambassador were to be carried out in order to provide a motive for the annexation.

GÖRING: That comes before the solution of the Sudeten German problem, and I listened very carefully when that point came up. I also remember what the facts really were. It was not discussed in that way and should not be interpreted, that we wanted to murder our own Ambassadors, or had even considered this possibility, in order to find a motive for settling this problem. But we considered the possibilities which might lead to an immediate clash. In view of the tension which existed between Czechoslovakia and Germany in regard to Sudeten Germany, the possibility was also considered that the German Ambassador in Prague might actually be assassinated by the Czechs, and that this would necessitate immediate action on Germany's part under all circumstances, quite apart from any other political actions.

This possibility arose from the fact that outside the German Embassy in Prague there had been a number of demonstrations, which cannot be denied, for which reason Germany had sent arms to the Embassy for its defense, so threatening was the situation. For these reasons we talked of that possibility. That has been wrongly understood here. We did not want to have the Ambassador assassinated as a provocation, or a possible provocation, but we saw

the possibility of such an assassination being committed by the other side; and then the Führer would have acted immediately.

DR. STAHMER: To what extent were confiscations carried out in Czechoslovakia?

GÖRING: Before the war no confiscation took place in Czechoslovakia, that is, no economic goods were taken away. On the contrary, Czechoslovakia's large and vigorous economic capacity was aligned in its full extent with the economic capacity of Germany. That is to say, we attached importance above all to the fact that, now that we had declared the Protectorate and thus concluded an action, the Skoda Works and the Brünn Armament Works, that is important armament works, would naturally be included in the armament potential of Germany. That means that orders were sent there for the time being to a considerable extent. Over and above that we even created new industries there and gave our support in respect to this.

The accusation had been raised that among other things we dismantled new rails there and replaced them with old rails from Germany. I believe that to be a complete error, for the transportation system in Czechoslovakia, the Protectorate, was one of the most important for Germany. The entire southeastern transportation from the Balkans went through the Protectorate, first, in the direction of Vienna, Prague, Dresden, and Berlin; and secondly, the main line of Vienna-Lundenburg-Oderberg-Breslau. And, since the canal had not been completed, the entire transportation of all economic goods no longer made a detour around the border, but took the shortest way. We would have been mad if we had weakened this transportation system. I can think of only one explanation, and that is that during the extension of the existing transportation system perhaps, many rails from German stock were also used which later appeared in the government report as "old." But that we dismantled new for old is absolute nonsense.

Furthermore, it is obvious that as Sudetenland was included in the Reich, the accusation that state property and forests were taken over into German State possession has no bearing; for naturally if a country is taken over, then its state property must also become the property of the new state.

Likewise the accusation, as far as Sudetenland is concerned, that the banks there were affiliated with German banks is obviously not justified, as German currency was introduced for the country, and therefore the branch banks also had to be converted to that.

As far as the later Protectorate is concerned, I have already emphasized that even before the creation of that Protectorate a strong economic penetration of Czechoslovakia had been prepared

by me, on the one hand by our acquiring shares from other owners which gave us a voice in Czech and Slovak enterprises, and further I believe, by our replacing certain loans originally made by Western powers.

In this connection the Hermann Göring Werke came to the fore, as they had acquired large number of shares in the Skoda Works, in order to use the latter as a finishing industry for the products of their own rolling mills and steel works, just as they used other industries in Germany.

Moreover, after the creation of the Protectorate, the total economic capacity of the Protectorate was of course amalgamated with Germany's total economic capacity.

DR. STAHMER: On 15 November 1937 a discussion with the Führer took place at the Reich Chancellery, a record of which was prepared by a certain Colonel Hossbach, and that has been referred to as Hitler's last will. It has repeatedly been the subject of the proceedings here. May I ask you for a short explanation as to what significance this conference had. I am going to have that document shown to you. It is Document Number 386-PS.

GÖRING: This document has already been shown to me here, and I am fairly familiar with the contents. This document played an important role in the Indictment, since it appears under the heading "Testament of the Führer." This word "testament" is, in fact, used in one place by Hossbach.

As far as the technical aspect of this record is concerned, I want to say the following: Hossbach was the adjutant of the Führer, the chief adjutant. As such, he was present at the meeting and took notes. Five days later, as I have ascertained, he prepared this record on the basis of his notes. This is, therefore, a record which contains all the mistakes which easily occur in a record, which is not taken down on the spot by alternating stenographers, and which under certain circumstances contains the subjective opinions of the recorder or his own interpretations.

It contains a number of points, as I said at the time, which correspond exactly to what the Führer had repeatedly said; but there are other points and expressions which I may say do not seem like the Führer's words.

During the last months I have seen too many records and interrogations which in part had nothing to do with it nor with the interpretation which had been given to it; for that reason I must here too point out the sources of mistakes.

As far as the word "testament" is concerned, the use of this word contradicts the Führer's views completely. If anybody at all knows anything about these views, it is I.

The decision that I was to be the successor was not made first on 1 September 1939, but as early as the late autumn of 1934. I have often had the opportunity of discussing the question of a so-called political testament with the Führer. He turned it down, giving as his reason the fact that one could never appoint a successor by means of a political testament, for developments and political events must allow him complete freedom of action at all times. Quite possibly one could set down political wishes or views, but never binding statements in the shape of a will. That was his view then and as long as I stood in his confidence.

Now, what did he aim at in this discussion? The Minister of War, the Commander-in-Chief of the Army, the Commander-in-Chief of the Navy and the Luftwaffe and the then Reich Foreign Minister were called together. Shortly before the Führer had informed me, as I was there earlier, that he was going to call this meeting mainly in order, as he called it, to put pressure on General Von Fritsch, since he was dissatisfied with the rearmament of the Army. He said it would not do any harm if Herr Von Blomberg would also exercise a certain amount of pressure on Von Fritsch.

I asked why Von Neurath was to be present. He said he did not want the thing to look too military, that as far as the commanders-in-chief were concerned it was not so important, but that he wanted to make it very clear to Commander-in-Chief Fritsch that the foreign political situation required a forced speed in armament and that for that reason he had asked the Foreign Minister, who knew nothing about the details, to come along.

The statements were then made in the way the Führer preferred on such occasions. He went to great lengths to picture things within a large political framework and he talked about the whole world situation from all angles; and for anybody who knew him as well as I did the purpose which he pursued was obvious. He was quite clearly aiming at saying that he had great plans, that the political situation was such and such, and the whole thing ended in the direction of a stronger armament program. I should like to say that, if the Führer, a couple of hours later, had talked to another group, for instance, diplomats of the Foreign Office, or Party functionaries, then he probably would have represented matters quite differently.

Nevertheless, some of these statements naturally do reflect the basic attitude of the Führer, but with the best intentions I cannot attach the same measure of significance to the document as is being attached to it here.

DR. STAHMER: You said you had been considered as the Führer's successor. Were you in this capacity initiated in all political problems by Hitler?

GÖRING: I am now talking of the period of my good relations, which lasted until long into the war. Of course he informed me of all important political and military problems. He initiated me into these problems for the most part in many long discussions, which would take place for many hours, day after day. Sometimes I was certainly surprised concerning foreign political questions, but whenever possible I found things out for myself, and on one occasion he said, in fact, that I had a decided opinion of my own on foreign matters and that he did not always find it easy to agree with me. But I want to emphasize that on all important political questions I was, of course, always informed.

DR. STAHMER: On 23 May 1939 a conference took place with the Führer, which was briefly discussed in connection with the examination of the witness Milch.

A report of that was also made, Document Number L-79. According to the wording of that report, you participated in this meeting, but the witness Milch stated that you were not present.

GÖRING: Actually I was not present. Milch was called in at the last moment to represent me. But, of course, if the witness says that he had not received any permission from the Führer to inform me, then you must understand that the Führer did not want to have me informed of this matter by way of my state secretary, but wanted rather to inform me himself. But no, I was actually present at this meeting—I see that now from another clue. But even if I had not been present, I think Milch must have been thinking of another meeting. That would not be one of any importance, for it is out of the question that the Führer would have had a conference with such gentlemen without notifying me either before, or afterwards if I myself were absent. It is, therefore, not at all important. It is quite obvious that in such cases I was informed either previously or, if I was not present, afterwards in great detail by the Führer. But I see now that Milch must have made a mistake here, and he is probably thinking of another meeting, for at the very end I asked some questions with respect to the armament program which I now recall very well.

DR. STAHMER: What was the significance of this meeting?

GÖRING: It was a conference held by the Führer at which he once more stated his views with regard to the situation and the tasks demanded of the Wehrmacht as a result of this situation. Once more the main point was to inform the Armed Forces concerning armament and preparedness, that he was considering all possible developments, political and otherwise, and that he himself wanted to have complete freedom of decision.

Looking back, in regard to the events which have occurred up to this moment—and I need not emphasize how easily matters

viewed in retrospect, in the light of their development, are seen and presented differently to what they actually were when they occurred—but I can now easily say that even at that time I wanted this or that, since I have in the meantime achieved it. I can easily say also—this involuntarily suggests itself—that this or that was always my intention, even though one knows perfectly well that one was originally very dependent on other factors, and that under certain circumstances one's intentions at that time might have been quite different.

Generally speaking, this is another case where there are misconceptions on the part of the adjutant; but, on the whole, it is typical of the conferences which the Führer used to hold when he had some particular purpose in mind which he wanted to achieve and wanted to give this aim the necessary emphasis.

DR. STAHMER: During the period from 1935 to 1938 you made many state visits to Poland. What was the purpose of these visits?

GÖRING: After German-Polish relations had been clarified in 1934, the Führer wished a strengthening of that pact and the creation of a better atmosphere. He requested me to take over this task because he believed that I would find it easy to talk to these Polish gentlemen, which was indeed the case.

The President of the Polish State had invited me. That was in 1935, and from then on—in 1935, 1936 and 1937—I spent about 1 or 2 weeks in Poland each year. I had a long discussion with the then Marshal Pilsudski, and afterwards always with the Foreign Minister, and Marshal Rydz-Smygly.

At that time the Führer had given me the serious task—not a task of deception—while improving relations, to tell Poland that he was interested in a strong Poland, because a strong Poland would be an excellent barrier between Germany and Russia. The Führer had laid stress on the solution of the Danzig question and the Corridor question in speaking to me at that time, and had said that the opportunity for this would come, but that, until then, there might be some sort of opportunity to come to an agreement with Poland about that problem. The Lithuanian problem played a part in this. But the decisive factor is that he did not say, "Lull Poland to sleep. I am going to attack Poland afterwards." It was never the case, that from the very beginning, as has often been represented here, we got together and, conspiring, laid down every point of our plans for decades to come. Rather, everything arose out of the play of political forces and interests, as has always been everywhere the case, the whole world over, in matters of state policy. I had this task, and I consciously considered it a serious task and carried it out with an honest belief in it. Consequently, when the clash with Poland came about it was not a very pleasant situation for me.

DR. STAHMER: What was your attitude toward the Memel, Danzig, and Polish Corridor question?

GÖRING: My attitude was always unequivocal. It was that Danzig and the Free State, as purely German territory, should at some date in the near future return to Germany. On the other hand, we certainly recognized that Poland should have access to the sea, and also a port. Consequently, our first thought was that the Free State and Danzig should be returned to us and that through the Polish Corridor there should be a German traffic lane. That was a very small and most modest demand which for a long time was considered absolutely necessary, and seemed to us quite possible.

DR. STAHMER: Another conference with the Führer took place on 23 November 1939. The record of that conference is Document Number 789-PS, which was submitted to the Tribunal. I ask you to look at this document and then to tell me briefly what your attitude is toward the subject of this conference.

GÖRING: About that I can be comparatively brief. This is an address before the commanders-in-chief and commanders of the formations and armies which were to be made ready for the attack in the West after Poland's defeat. This is quite understandable to me and indeed requires no explanation if the Supreme Commander of the Armed Forces, who is actually leading these forces, decides to undertake a strategic and extensive tactical operation, as in this case, after the end of the Polish Campaign. The Führer wanted under all circumstances, and was perfectly correct, to transfer the troops in the late autumn and carry out the blow against France, so that in the autumn and winter of 1939 the end of that operation could be achieved. What prevented him was the weather, since without using the Air Force he could not carry out this operation, particularly the penetration of the Maginot Line at Sedan. He needed good flying weather for at least 4 or 5 days at the beginning of the attack. Merely because we could not assure him of such weather conditions for weeks and weeks, the matter dragged on into the winter and was eventually postponed, after Christmas and New Year, until the beginning of the spring.

But this was at a time when he still believed that he could carry it through. Therefore he called the commanders-in-chief together and informed them about the orders for attack. It was one of the speeches customarily made in such cases. Naturally, since the Führer was not only a military man but above all a politician, it always happened that these military speeches, which a soldier would have confined exclusively to the military-strategical field, were always to a large extent filled with references to his political views and his political tendencies or intentions. It must never be

forgotten that he gave such speeches not only as the Commander-in-Chief or the Supreme Commander of the Armed Forces, but also as the head of the German State; and that is why so frequently there was such a strong political tendency even to the military speeches.

But no general was asked on such occasions what his opinions were or whether he approved of the principal tendencies of the policy or not. At such speeches he was not even asked whether he approved of the military plan or not; that happened at another time. If a matter was concluded and purely strategical-tactical matters had been discussed with the single commanders, then came a summary, also definitely political, in which the last final concluding thoughts of the Führer were presented to the generals. And if—this I emphasize since it has often played a role here—if a general had been able to say, "My Führer, I consider your statements wrong and not in keeping with the agreements we have made," or "This is not a policy of which we can approve," it would have defied understanding. Not because that particular general would have been shot; but I would have doubted the sanity of that man, because how does one imagine that a state can be led if, during a war, or before a war, which the political leaders have decided upon, whether wrongly or rightly, the individual general could vote whether he was going to fight or not, whether his army corps was going to stay at home or not, or could say, "I must first ask my division." Perhaps one of them would go along, and the other stay at home! That privilege in this case would have to be afforded the ordinary soldier too. Perhaps this would be the way to avoid wars in the future, if one were to ask every soldier whether he wanted to go home! Possibly, but not in a Führer State. This I should like to emphasize, that in every state of the world the military formula is clearly defined. When there is a war, or when the state leadership decides upon war, the military leaders receive their military tasks. With respect to these they can voice an opinion, can make proposals as to whether they want to press the attack on the left or the right or in the center. But whether they thereby march through a neutral state or not, is not the business of military leadership. That is entirely the responsibility of the political leadership of the state. Therefore there could be no possibility that a general discussion as to right or wrong would ensue; rather the generals had already received their orders. The Supreme Commander had decided and therefore there was nothing left for a soldier to discuss; and that applies to a field marshal as well as to the ordinary soldier.

DR. STAHMER: A Führer Decree of 7 October 1939 bears your signature. In this decree Himmler is given the task of germanizing.

This decree is presented as Document Number 686-PS. Please look at this and say what the significance of this decree is?

GÖRING: This decree of 7 October 1939 was issued after the Polish campaign had ended. Poland at that time had been conquered and the Polish State as such had ceased to exist. I draw your attention to the note of the then People's Commissar for Foreign Affairs in Russia, Molotov, who states his opinion about this, according to which that injustice which Germany had felt, when in the Treaty of Versailles German provinces were detached and given over to Poland, had been compensated by the victory of arms. It was therefore a matter of course for us that that part of Poland, which until 1918 had been German, should again be given back, that is, returned to Germany. But in that territory, in the course of years, more than one million Germans who had formerly lived there, who had had property there, particularly farms, estates, *et cetera*, had been thrown out, expelled and dispossessed. That is quite clear from numerous complaints which during the years after 1919 had been made to the League of Nations about this matter; and a study of all these complaints and of all the events which had been reported there, which must still be in the archives at Geneva, will prove to what an enormous extent the Polonization of these German territories was carried out. This decree aimed to put an end to that and to make these territories German once more, that is, that those farms and estates from which Germans had been driven, should once more come into the hands of Germans. The fact that this task was given to Himmler did not meet with my full agreement; but at the moment that was not of decisive importance. He was given this task, not in his capacity as Chief of the Police, but because, as is known, he was always particularly and keenly interested in the question of the new development of the German people, and therefore this office of "Folkdom" or whatever it was called—just a moment, it does not make any difference—anyhow Himmler was given this task. The Führer issued the law. I naturally was also a signatory, since I was the Chairman of the Ministerial Council at the time, and then it was also signed by the Chief of the Chancellery, Lammers. These signatures are a matter of course. I take a very positive attitude to this; it was quite in accordance with my views, that where the Germans had been driven out from what were German territories, they should return. But I want to draw your attention to the fact that this, to be exact, is a question of former German provinces.

DR. STAHMER: You mean the occupied western Polish provinces?

GÖRING: Yes. The Government, for instance, was not appointed for purposes of Germanization. If Germans later were settled there—and I am not certain of that—that was not done on the basis

of this decree. You asked about my attitude to the Memel question, I believe. Danzig and the Polish Corridor, I have emphasized. Memel was a comparatively small matter. In Memel, according to the Treaty of Versailles or the League of Nations, there was to be a plebiscite. Shortly before, the Lithuanians occupied Memel and the Memel territory. In order to prevent the plebiscite Lithuania incorporated Memel and thereby produced a *fait accompli*. Complaints of the German Government at that time naturally were as futile as all previous complaints to the League of Nations. What the Lithuanians had done was regretted, it was considered false and wrong, but there could be no talk about returning it, or going through with the prescribed plebiscite. After the Lithuanians, in violation of all agreements, had occupied Memel, it was naturally our absolute national right to rectify this encroachment and now to occupy Memel ourselves.

DR. STAHMER: On 19 October 1939 you published a decree which ordered the removal of economic goods from Poland. This decree has been submitted in Document Number EC-410. I should like to have your opinion on this decree.

GÖRING: This is a decree which represents general instructions as to what economic procedure should be adopted in the whole of the Polish territory occupied by us. It regulates the seizure and administration of property of the Polish State within the territories occupied by German troops, money and credit matters, the taking of economic measures, the preparation for a settlement with foreign creditors which would become necessary, *et cetera*. Confiscation was to be carried out only by the Main Trustee Office East, *et cetera*. It is not so much a question of the removal of economic goods. That was not the case. On the contrary, even in the Government General, the economy in existence there, that economy of course which could be used for purposes of war at that time, was strengthened and extended. Such economy as was not absolutely essential was cut down, just as in the rest of Germany and in all other states in the event of war. As far as those raw materials are concerned which were available and were important for the conduct of the war, such as steel or copper or tin, it was my view, or better said my intention, that these raw materials should be converted into manufactured products there where they could most quickly be used for manufacture. If the locality and its transportation facilities permitted it, they should remain and be used for manufacture there. If it was not possible to use them for manufacture on the spot, I would of course not let raw materials of importance for the war lie there, but would have them brought to wherever they could most quickly be used to serve the needs of the war. That is in general, what this decree says. That was my basic attitude and my basic instruction. The

object was the quickest and most purposeful use for manufacture wherever it was possible.

DR. STAHMER: On 19 November 1945 a Dr. Kajetan Mühlmann made an affidavit, which has been presented by the Prosecution under Document Number 3042-PS. In this it says the following in three short sentences:

> "I was the Special Deputy of the Governor General of Poland, Hans Frank, for the safeguarding of art treasures in the Government General from October 1939 to September 1943. This task was given to me by Göring in his capacity as the Chairman of the Committee for Reich Defense. I confirm that it was the official policy of the Governor General, Hans Frank, to take in custody all important works of art which belonged to Polish public institutions, private collections and the church. I confirm that the mentioned works of art were actually confiscated and I am aware that, in the event of a German victory, they would not have remained in Poland but would have been used to complete German art collections."

GÖRING: Actually I had nothing directly to do with the safeguarding of art treasures in Poland, absolutely nothing, in my capacity as Chairman of the Ministerial Council for the Reich Defense. However, Mühlmann, whom I knew, did come to see me and told me that he was to take steps for the safeguarding of art treasures there. It was my view too that these art treasures should be safeguarded during the war, regardless of what was to be done with them later, so that no destruction would be possible through fire, bombing, *et cetera*. I want to emphasize now—I shall refer to this matter again later in connection with France—that nothing was taken from these art treasures for my so-called collection. I mention that just incidentally. That these art treasures were actually safeguarded is correct, and was also intended, partly for the reason that the owners were not there. Wherever the owners were present, however—I remember Count Potocki of Lincut, for instance—the art collections were left where they were. The Führer had not yet finally decided what was to be done with these art treasures. He had given an order—and I communicated that by letter to Mühlmann and also, as far as I remember, to Frank—that these art treasures were for the time being to be brought to Königsberg. Four pictures were to be taken to the safety "bunker" or the safety room of the German Museum in Berlin or to the Kaiser Friederich Museum in Berlin. The Dürer drawings in Lemberg also figured here. In this connection I want to mention them now, since the Prosecution has already concerned itself with them. The Dürer drawings in Lemberg were not confiscated by us at that time, because Lemberg had become Russian. Not until the march against

Russia were these Lemberg drawings—as far as I can remember from Mühlmann's story—rescued from the burning city in the battle by a Polish professor, who had hidden from the Russians until that time, and he gave them over to him. They were drawings and he came with them to visit me. Although I am usually very interested in such things I unfortunately did not have time to look at them properly, as I was on my way to the Führer at the moment. I took them along with me and, as Mühlmann has confirmed, delivered them there immediately. Where they went after that I do not know. I believe I have now answered the question about the Polish art treasures. Apart from that there is still the Veit Stoss altar, which was originally made here in Nuremberg, a purely German work. The Führer wished that this altar should come to the Germanisches Museum here in Nuremberg—with that I personally had nothing to do. I merely know about it. What was intended to be done with it finally had not yet been stated. But it is certain that it also would have been mentioned in negotiations for peace.

DR. STAHMER: What connection did you have with Quisling?

GÖRING: I met Quisling for the first time long after the occupation of Norway, for the first and only time. He was in Berlin, visited me, and we had a short, unimportant conversation. Before that, that is before the outbreak of war, one of his men whom I did not know personally sent a letter to me, which has been shown to me here but which I myself cannot remember, as such letters, according to our practice, were hardly ever submitted to me—that is immaterial. In that letter he expressed himself in Quisling's name to the effect that we should give financial support to Quisling's movement, and he described to what extent political money contributions, on the one side from Russia—the Communist Party there—and on the other from England, would flow into the political office concerned. Then I—later on someone discussed with me whether some sort of contribution could be given to Quisling by way of coal deliveries. My point of view was that, because of the foreign exchange situation and other factors—we were not so rich, we naturally could not compete with the Russian or English money contributions—those authorities should be consulted who could judge whether it was expedient to give the Quisling movement financial support or not. If they answered in the affirmative, then it would be perfectly clear to me that Quisling should receive money. The amount concerned, which I also would have given, was very much higher than the amount which was, I believe, paid later on by the Führer by way of the Foreign Office.

I never thought much of such small money contributions; if one was going to give, then one should give properly, so that an end could really be gained thereby. From the last World War I had

experience enough in connection with the money which went to the Romanian Parliament, but which was unfortunately too little. On the basis of these experiences it was my advice that if we were to contribute, then we should give the proper amount. Apart from this, as I said, I did not become acquainted with Quisling until much later, and had a very unimportant conversation with him, which I do not remember.

DR. STAHMER: What was your attitude towards the Norway project?

GÖRING: The Norwegian project surprised me rather, since strangely enough for a rather long time I was not informed about it. The Führer went very far in his basic decree, which I already mentioned at the beginning, and did not call in the Air Force until very late. But since the most important part of this undertaking fell to the Air Force, I expressed my views in regard to this in an unmistakable and unfriendly fashion. From a military point of view I was definitely against this undertaking as such, since as Commander-in-Chief of the Air Force, quite independent of political considerations, I had first of all to think exclusively of strategic considerations. That it would considerably improve my position as far as the Air Force was concerned if my squadrons could operate against England from Norwegian bases was obvious, and would be obvious to any prudent military expert. From the strategic point of view I, as Commander-in-Chief of the Luftwaffe, could take only a very definite stand against this undertaking. My objection was, firstly, that I had been informed too late and, secondly, that the plans did not seem quite correct to me.

DR. STAHMER: Was Hitler afraid of complications with Sweden because of this occupation?

GÖRING: Yes, not because of occupation by German forces as such; but when we, that is, the Führer, decided to occupy Norway, we already had considerable and detailed information regarding the intended occupation by the English and French, which was later also confirmed by the papers of the English and French General Staff which we captured. In this connection we also knew that the intention was not merely of occupying Norway, but, above all, of cutting off the Swedish ore deliveries to Germany by way of Narvik, and, over and above that, of intervening on the side of Finland in the Russian-Finnish conflict, which was still taking place at the time. The Führer feared that Sweden would yield entirely to English pressure, that is, under the pretext of coming to Finland's aid, a march through would be allowed, thereby effecting the complete cutting off of the Swedish iron ore basin and the ore deliveries to us. I took a very heavy responsibility upon

myself at that time by assuring Hitler that I knew Sweden and her people and her King so well that I knew that, whoever might want to exert pressure on Sweden, regardless of which power—whether our power or another—Sweden under all circumstances would defend her neutrality,' with arms against any power that tried to violate it, no matter what reasons there might be for this violation. And I said that I personally and consciously would take the responsibility for this, and that we could rest assured in this respect. Therewith the question was settled.

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 15 March 1946 at 1000 hours.]

EIGHTY-SECOND DAY

Friday, 15 March 1946

Morning Session

DR. STAHMER: What reasons were decisive for the invasion of Holland and Belgium?

GÖRING: This question had first been investigated from the purely military and strategic point of view. To begin with it had been examined whether the neutrality of the two States would be guaranteed absolutely.

THE PRESIDENT: There is some difficulty with the equipment. The Tribunal will adjourn.

[A recess was taken.]

DR. STAHMER: Would you please continue.

GÖRING: I repeat. At first, we had to determine whether the neutrality of Holland and Belgium would, under all circumstances, be assured in case of a conflict and a war in the West. In the beginning it seemed as if it would. Then information came that negotiations had taken place not only between Belgium and France but also between Holland and England. There was an incident at Venlo, where a Dutch officer of the general staff had been caught on German territory, and I believe another one was shot by the frontier post during this occurrence, which made it clear that this neutrality could not be maintained under certain conditions and under increased pressure from the enemy side.

Now if neutrality was not assured under all circumstances, a tremendous danger would exist in battle, in that the right flank was menaced and exposed. The purely military authorities, who were concerned only with the strategic point of view, when being asked for their opinion had to give it from a purely military angle; that is, to point out that by occupying both countries, the purely military and strategic situation would of course be different from what it would be if this were not done, and such an occupation were undertaken by the enemy.

An additional element which gave rise to doubt as to the absolute neutrality of these countries was the fact that nearly all flights from Great Britain into Germany, which took place at that time, went

over Dutch or Belgian territory. Reliable information reached us that the Belgian Army, which at the beginning of the war had been reinforced on its southwestern frontier, was being regrouped and drawn up along the German border with all its full fighting force.

Further information indicated that an interchange of views between the French and Belgian General Staffs had taken place, and that, under pressure from the French General Staff, Belgium had promised to intensify the work on the fortification line of the Maas against Germany.

Other information indicated that the chief of the French General Staff, Gamelin, as well as Admiral Darlan and the chief of the Air Force, Vuillemin, insisted on the occupation of Belgium under all circumstances, for the security of France, and that considerable negotiations were taking place on this subject between the French and the British governments. The information at the time was highly reliable. How correct and absolutely clear it was became evident later when, after marching into France, we found the secret documents of the French General Staff, and also minutes of conferences which had taken place between the French and British Governments in the so-called Supreme Military Council.

It was the opinion of the Führer that the incapability of these countries to maintain their neutrality in the face of increased French and British pressure would in consequence expose to extreme danger the Ruhr area, which was particularly vital to us. How justified this opinion was can also be seen from reports in which the British chief of government suggested, and had also fully explained by the experts in the Military Council, how best the Ruhr Valley could be attacked by low-flying British aircraft, which would approach over Belgium and then, at the last moment, in a short flight from Belgium could attack the Ruhr Valley and destroy the most important industries there.

If that was not carried out at first, it was due to the concern of the French Premier, for he, on his part, was worried about French industry and wanted to leave it to the other side to make the first attacks against industrial areas. England insisted, however, that she would be able to carry out this attack on the Ruhr Valley via Belgium at any time.

If one takes into consideration how short the flying distance is from the Belgian border to the most important industries of the Ruhr Valley, only a few minutes, one can then fully realize the danger which would arise if the neutrality of Belgium was not respected by our enemies. On the other hand, if it were respected, an attack by the British Air Force on the Ruhr Valley would have necessitated a relatively long flight over the Helgoländer Bucht from the north, and at that time it would easily have been possible for us

to avoid and to repel such an attack. If, however, they came via Belgium, it would have been almost impossible.

In this hard struggle it was necessary in the first place, to think of our own war interests and our own existence, and not to leave the advantage to the enemy. At the very moment one was sincerely convinced of the reality of the danger threatening our people, and above all our Armed Forces; that danger had to be eliminated, in advance, and we had to secure for ourselves those advantages which the adversary had expected.

DR. STAHMER: For what reason were officers interned in France again, even after the war was over?

GÖRING: First I would like to correct an expression in regard to this question. In France the war as such was not terminated at all. An armistice had been concluded. This armistice was a very generous one. Even the preamble of this armistice showed a tendency to coming conciliation, in contrast to that armistice which had been signed in 1918 on the same spot.

When, at the time, Marshal Pétain asked for an armistice, the first answer he received was that capitulation would have to be unconditional. Later, however, we gave him to understand that quite a number of wishes concerning the fleet, certain parts of the unoccupied territory, and the respecting of the colonies would be considered. The situation was such that Germany at that moment could have insisted on an absolutely unconditional surrender, since no French forces of any consequence, or any help that might come from England, were available to prevent a complete military catastrophe in France.

No line, no French formation, could have stopped the breakthrough of German troops to the Mediterranean. No reserves were available in England. All the available forces were in the expeditionary force which had been routed in the Belgian and northern French area and finally at Dunkirk.

In this armistice those conditions were respected for which a wish had been expressed. The Führer also, apart from that, had hinted at a certain generous solution, especially in regard to the question of captured officers. When, contrary to far-reaching satisfaction which we had hoped for, and which we really got at the beginning, the resistance movement within France began to develop gradually by means of propaganda from across the Channel, and the establishment there of a new center of resistance under General de Gaulle, it was perfectly understandable, from my point of view, that French officers would offer their services as patriots. But at the same time it was just as natural for Germany, recognizing that danger and in trying to overcome it, again to take as prisoners of war those elements who would be the leaders and experts in such military

resistance movements, that is to say all those officers who were still moving freely in France. That was a necessary basic condition in order to avoid the danger of a war in our back and of a renewed flare-up in France. I believe that it is quite unique, that, while war was still raging on all fronts, officers of a country with whom one had only an armistice were permitted to move around freely when war was at its height. As far as I know, that was the first time in the history of warfare that such a thing had happened.

DR. STAHMER: Can you give us specific facts to explain why the struggle in France, which was apparently carried out in a mutually honorable manner in 1940, later took on such a bitter character?

GÖRING: One must consider the two phases of the war with France completely separately. The first phase was the great military conflict, that is to say, the attack of the German forces against the French Army. This struggle was executed quickly. One cannot say that it was a chivalrous fight throughout, because from that period we know of several acts on the part of the French against our prisoners, which were recorded in the White Books and later presented to the International Red Cross in Geneva. But all in all, it kept within the usual bounds of a military war with the excesses that always occur here and there in such a struggle.

After that had been terminated, appeasement and quiet set in for the time being. Only later, when the struggle continued and expanded, especially when the fight against Russia was added, and, as I said before, when on the opposite side a new French center of leadership had been created, then in the countries of the West, which had been quiet until then and where no serious incidents had taken place, a definite intensification of the resistance movement became evident. There were attacks on German officers and soldiers; hand grenades and bombs were thrown into restaurants where German officers or soldiers were present. Bombs were even thrown in places where there were women, members of the Women's Auxiliary Signal Service and Red Cross nurses. Cars were attacked, communications cut, trains blown up, and this on a growing scale.

A war behind the front during a period of land warfare represented difficulty enough but when aerial warfare was added, entirely new possibilities and methods were developed. Night after night a large number of planes came and dropped a tremendous quantity of explosives and arms, instructions, *et cetera* for this resistance movement, in order to strengthen and enlarge it. The German counterintelligence succeeded, by means of aerial deception and code keys dropped by enemy planes, in getting into their hands a large part of these materials; but a sufficient amount was left which fell into the hands of the resistance movement. The atrocities committed

in this connection were also widespread. As to this, documents can be submitted. Of course . . .

MR. JUSTICE JACKSON: If the Tribunal please, I am very reluctant to interrupt this examination, but I should like to ask if the Tribunal will avail itself of the Charter provision to require from Counsel a statement as to how this is relevant to the charges which we are engaged in trying.

It raises a rather large and important question, and that question is this, as I see it: It raises a question which involves a great deal of time, if time is an important element in this proceeding.

For the purposes of this statement, I may admit that there were actions taken by partisan groups within occupied territories which were very annoying and very objectionable and very injurious to the would-be conqueror. If it is sought to introduce testimony as to what partisans did toward the German occupying forces, on the theory of reprisal, then I respectfully submit that Counsel is proceeding in reverse order, that is to say, if the Defense says "Yes, we did commit certain atrocities; we did violate international law," then it may be that the motive—I shall argue that it is not—is relevant under the Hague Convention, but then at least we might have that question presented.

But unless this evidence is offered on the theory that reprisals would be justified, it has no place, I submit, in the case. If it is offered on the basis of establishing a theory of reprisal, our first inquiry is, what is it that reprisals were for? In other words, the doctrine of reprisal can only be invoked when you first admit that you committed certain definite acts in violation of international law. Then your question is whether you were justified. I submit that it might shorten and certainly would clarify this proceeding, if counsel will definitely state as to what acts on the part of the German occupying force he is directing this testimony, as I suppose, to excuse it; and that, unless there is some theory of reprisal pointed out with sufficient definiteness, so that we may identify the violations on Germany's part for which she is seeking excuse by way of reprisal, this testimony is not helpful in deciding the ultimate question.

The question here is not whether the occupying countries resisted. Of course they resisted. The question is whether acts of the character we have shown can be excused by way of reprisal; and, if so, there must be an admission of those acts, and the doctrine of reprisal must be set forth, it seems to me, much more specifically.

THE PRESIDENT: Yes, Dr. Stahmer.

DR. STAHMER: I have not been able to get all of the statement, because the translation did not quite keep up with it, but I believe

that for the following reasons what we have discussed up to now is relevant:

The defendants are accused of the fact that hostages were taken in large numbers and shot and it is maintained that this was not justified; at any rate, the motives which led to the taking of hostages have not, up to now, been discussed, at least not sufficiently. To clarify this question, which is so important for the decisions in this Trial, it is in my opinion absolutely necessary to make it clear that these decrees concerning the arrest and the treatment of hostages were called for by the attitude of the resistance movements. Therefore, in my opinion it could be said with justification that the actions of the resistance movement were the cause for the measures which had to be taken later by the German military authorities, much to their regret.

MR. JUSTICE JACKSON: May I say one word in answer to Dr. Stahmer's offer, if it be an offer.

The suggestion of Dr. Stahmer that the motives here are to be tried seems to me to lead us very far afield. If he is invoking the international law doctrine of reprisal, then he has to meet the conditions of that doctrine. Article 2 of the Geneva Convention of the 27th of July 1929 provides specifically that measures of reprisal against prisoners of war are prohibited. He therefore must relate it to someone other than prisoners of war. Under the doctrine of reprisal, as we understand it, any act which is claimed to be justified as a reprisal must be related to a specific and continuing violation of international law on the other side. That is, it is not every casual and incidental violation which justifies wholesale reprisals. If it were, then international law could have no foundation, for a breach on one side, however unimportant, would completely absolve the other from any rules of warfare.

Secondly, anything which is claimed to be justified as a reprisal must follow within a reasonable time and it must be related reasonably to the offense which it is sought to prevent. That is, you cannot by way of reprisal engage in wholesale slaughter in order to vindicate a single murder. Next it must be shown as to the reprisals that a protest was made, as a basis for invoking reprisals. You cannot engage in reprisals without notice. The reprisal must be noticed and there must be notification by a responsible party of the government.

And next, and most important, a deliberate course of violation of international law cannot be shielded as a reprisal. Specific acts must be reprisals for specific acts under the conditions I have pointed out. You cannot vindicate a reign of terror under the doctrine of reprisals; and so I respectfully submit that the offer of Dr. Stahmer to inquire into the motives of Göring individually, or of all defendants

collectively, or of Germany, does not meet any legal test. It might be pointed out to the Tribunal by way of mitigation of sentence after conviction, but is not a proper consideration on the question of guilt or innocence of the charges which we have brought to the bar.

THE PRESIDENT: Mr. Justice Jackson, I understood you to agree that this sort of evidence might be relevant in mitigation of sentence?

MR. JUSTICE JACKSON: I think if Your Honors find the defendants guilty, then it comes to the question of sentence, as is our practice. You might find almost anything that a defendant saw fit to urge relevant to the sentence, but I do not take it that Dr. Stahmer is now dealing with the question of offers relevant to that subject. If it is, I should consent that any plea for leniency be heard, of course. It is offered, as I understand it, on the question of guilt.

THE PRESIDENT: That may be so, but the Tribunal may consider it more convenient to hear the evidence now. The Charter, as far as I see, has not provided for any evidence to be given after conviction, if a defendant is convicted. Therefore any evidence which would have to be given in mitigation would be given now.

MR. JUSTICE JACKSON: The difficulty with that, I should think, would be this: that a defendant may very well be found guilty on some counts but not on others. That would require at this time the litigation of the question of sentence, two-thirds of which might be irrelevant because he might not be found guilty on more than one count.

I may be biased in favor of the practice that I know, or at least may be presumed to have some knowledge of. In our procedure the question of guilt is tried first. The question of sentence is a separate subject, to be determined after the verdict. I should think that would be the logical way to proceed here. And I understand that this—and I think Dr. Stahmer confirms my view—that this is not offered on the question of sentence. I do not think he concedes he has reached that point yet.

DR. STAHMER: May I briefly comment on the legal question? It is maintained, or at least this side asserts, that violations of international law were committed in France to a large extent by organizing guerrilla warfare. The struggle against these actions, which do not conform to international law, could be carried out by reprisals, as has just been expounded by Mr. Justice Jackson. It is correct that there were certain reasons for the application of reprisals, but in my opinion it is questionable if such . . .

THE PRESIDENT: May I ask whether you agree that the conditions which Mr. Justice Jackson stated are accurately stated?

DR. STAHMER: Yes, but we have to deal here, in my opinion, with the fact of an emergency, caused by conduct violating international law, that is by unleashing guerrilla warfare. This fact justified the army commanders to take general measures in order to remove these conditions brought about illegally. Therefore, at any rate, these facts are of importance for determining the verdict.

THE PRESIDENT: The Tribunal does not propose to hear an unlimited number of the defendants' counsel, but I observe that Dr. Exner is there, and they are prepared to hear one other counsel—if counsel wish, Dr. Exner—upon the subject.

DR. FRANZ EXNER (Counsel for Defendant Jodl): May it please the Tribunal. We are indeed, all interested in the question of reprisals, and I would like to say a few words.

For 10 years I have lectured on international law at the university and I believe I understand a little about it. Reprisals are among the most disputed terms of international law. One can say that only on one point there is absolute certainty, namely that point, which Mr. Justice Jackson mentioned first—"measures of reprisals against prisoners of war are prohibited." Everything else is matter of dispute and not at all valid as international law. It is not correct that it is the general practice in all states, and therefore valid international law, that a protest is a prerequisite for taking reprisals. Neither is it correct that there has to be a so-called reasonable connection. It was asserted that there must be a relation as regards time, and above all a proportionality between the impending and the actually committed violation of international law. There are scholars of international law who assert, and it is indeed so, that it would be desirable that there be proportionality in every case. But in existing international law, in the sense that some agreement has been made to that effect or that it has become international legal usage, this is not the case. It will have to be said therefore, on the basis of violations of international law by the other side, that we under no circumstances make a war of reprisals against prisoners of war, every other form of reprisals is, however, admissible.

I just wanted to state that in general terms; and perhaps I still might say that it has been asserted that we may not speak about reasons for mitigation now. I would like to remind the Tribunal that we are permitted to make only one address, and if in this speech, which takes place before the decision has been reached on the question of guilt, we are not permitted to speak about mitigation, then we would not have any opportunity to speak about it at all.

THE PRESIDENT: The Tribunal will adjourn now.

[A recess was taken.]

THE PRESIDENT: The Tribunal rules that the evidence is admissible on the question of reprisals, and the weight that should be given this or similar evidence will be reserved for future consideration.

DR. STAHMER: Will you please continue?

GÖRING: I believe that the statement which I am about to make will fulfill those conditions which Justice Jackson has requested; namely, I do not in any way deny that things happened which may be hotly debatable as far as international law is concerned. Also other things occurred which under any circumstances must be considered as excesses. I wanted only to explain how it happened, not from the point of view of international law as regards reprisals, but considering it only from the feeling of the threatened soldier, who was constantly hindered in the execution of his task, not by regular troops in open combat, but by partisans at his back.

Out of all those things which I need not go into any further, this animosity arose which led spontaneously—or in certain cases was ordered as a necessity in a national emergency—to these partial excesses committed here and there by the troops. One must go back to that period of stormy battles. Today, after the lapse of years, in a quiet discussion of the legal basis, these things sound very difficult and even incomprehensible. Expressions made at the moment of embitterment, today, without an understanding of that situation, sound quite different. It was solely my intention to depict to the Tribunal for just one moment that atmosphere in which and out of which such actions, even if they could not always be excused, would appear understandable, and in a like situation were also carried out by others. That was and is my answer to the question why the conditions in France necessitated two entirely different phases of war—the first, that of the regular fighting, with which I have finished; the second, that of the fighting which was not carried out by regular troops, but by those coming out of hiding, from the underground, which always will and at all times has entailed cruelties and excesses quite different to those of regular military fighting. It often happens here that single actions occur, be it by individuals or by troop units, which the Supreme Command cannot always control or possibly keep in hand.

DR. STAHMER: What measures were taken by the German occupational authorities in France to help French agriculture during the occupation?

GÖRING: I can reply very briefly, and I refer to the testimony of the witness Körner, which I can only confirm. By that I mean that in France agriculture was tremendously promoted and increased during the period of occupation. A large number of tracts of fallow land or those which had not been put to good agricultural use were

turned to profitable cultivation; other tracts, through intensified use of fertilizers or other means of cultivation, were made considerably more productive.

I am unable to give specific explanations as to just what was done and I am not conversant with the figures showing the increase in agricultural production in the course of the occupation years, which could be given only by the responsible experts.

DR. STAHMER: What were the reasons leading to the introduction of Reichskreditkasse notes in the occupied countries?

GÖRING: A measure which would probably be introduced by every occupying power to regulate money circulation, to keep it in its proper limits, and to keep the country's currency at a certain level, similar to the procedure which today takes place in all occupied zones of Germany.

DR. STAHMER: Document Number 141-PS is a decree of yours issued 15 November 1940 in which you effected a regulation regarding art objects brought to the Louvre. Are you familiar with this decree or shall I hand it to you?

GÖRING: I remember this document very distinctly as it has played an important part here. These art objects were taken at first to the Louvre and later to the exhibition hall called, I believe, "Salle du Jeu de Paume." This concerned art objects which were confiscated, being Jewish property, that is ownerless property as their owners had left the country. This order was not issued by me, I was not familiar with it; it was a Führer decree. Then, when I was in Paris I heard of this, and heard also that it was intended that most of these art objects would—as far as they had museum value—be put into a Linz museum which the Führer contemplated building. Personally, I admit this openly, I was interested that not everything should go to southern Germany. I decided quite sometime before, and informed the Finance Minister about it, that after the war, or at some other time which seemed opportune to me, I would found an art gallery containing the objects of art which I already had in my possession before the war, either through purchase, through gifts, or through inheritance, and give it to the German people. Indeed it was my plan that this gallery should be arranged on quite different lines from those usually followed in museums. The plans for the construction of this gallery, which was to be erected as an annex to Karinhall in the big forest of the Schorfheide, and in which the art objects were to be exhibited according to their historical background and age in the proper atmosphere, were ready, only not executed because of the outbreak of war. Paintings, sculptures, tapestries, handicraft, were to be exhibited according to period. Then, when I saw the things in the Salle du Jeu de Paume and heard that the

greater part were to go to Linz, that these objects which were considered to be of museum value were to serve only a minor purpose, then, I do admit, my collector's passion got the better of me; and I said that if these things were confiscated and were to remain so, I would at least like to acquire a small part of them, so that I might include them in this North German gallery to be erected by me.

The Führer agreed to this with one reservation, that he himself should at least see the photographs of those objects which I intended to acquire. In many cases, of course, it so happened that he wished to earmark those particular objects for himself, that is, not for himself but for his museum in Linz, and I had to give them back. From the beginning, however, I wanted to have a clear distinction made, as I meant to pay for those objects which I wanted to have for the gallery I was going to build. Therefore I ordered an art expert, and not a German but a Frenchman—it was some professor whose name I do not recall and to whom I never talked—to value those things. I would then decide whether the price was too high for me, whether I was no longer interested, or whether I was willing to pay the price. One part, the first part, was settled that way, but then the whole thing stopped because some of the objects were sent back and forth; that is, they went back to the Führer and they did not remain with me, and not until the matter was decided could the payment be made. In this decree, which I called a "preliminary decree" and which the Führer would have had to approve, I emphasized that part of the things were to be paid for by me, and those things which were not of museum value were to be sold by auction to French or German dealers, or to whomever was present at the sale; that the proceeds of this, as far as the things were not confiscated but were paid for, was to go to the families of French war victims. I repeatedly inquired where I was to send this money and said that in collaboration with the French authorities a bank account would have to be opened. We were always referring to the opening of such an account. The amount of money was always available in my bank until the end. One day, when I inquired again, I received a surprising answer. The answer was the Reich Treasurer of the Party did not want to have this money paid. I at once answered, and my secretary can verify this on oath, that I could not at all understand what the Reich Treasurer of the Party had to do with this matter and that I wanted to know to which French account I could have this amount transferred. In this case, the Party, that is, the Reich Treasurer, could have no authority to exempt me from paying or not, because I myself had wished to make the payment. Even after France had been occupied again, I once again requested to know the account to which I could remit the amount reserved for it.

In summarizing and concluding, I wish to state that according to a decree I considered these things as confiscated for the Reich. Therefore I believed myself to be justified in acquiring some of these objects, especially as I never made a secret of the fact—either to the Reich Minister for Finance or to anybody else—that these art objects of museum value, as well as the ones I previously mentioned as already in my possession, were being collected for the gallery which I described before.

As far as exchange was concerned, I would like to put this matter straight also. Among the confiscated paintings there were some of the most modern sort, paintings which I personally would not accept and never did, which, however, as I was told, were in demand in the French art trade. Thereupon I said that as far as I was concerned these pictures could also be valued and acquired, in order that they might be exchanged against old masters, in which I am interested. I never exerted any pressure in that direction. I was concerned only as to whether the price asked of me was too high; if so I would not enter into negotiations, but as in every art deal if the offer was suitable I would inquire into the authenticity of what was offered. This much about the exchange; under no circumstances did I exert any pressure.

Later, after I had acquired these objects, I naturally used some of them as well as some of my own for general trading with museums. In other words, if a certain museum was interested in one of those pictures and I was interested, for my gallery, in a picture which was in the possession of that museum, we would make an exchange. This exchange also took place with art dealers from abroad. This did not concern exclusively pictures and art objects of these acquisitions, but also those which I had acquired in the open market, in Germany, Italy, or in other countries or which were earlier in my possession.

At this point, I would like to add that independent of these acquisitions—and I am referring to the Salle du Jeu de Paume, where these confiscated objects were located—I, of course, had acquired works of art in the open market in France as in other countries before and after the war, or rather during the war. I might add that usually if I came to Rome, or Florence, Paris, or Holland, as if people had known in advance that I was coming, I would always have in the shortest time a pile of written offers, from all sorts of quarters, art dealers, and private people. And even though most were not genuine, some of the things offered were interesting and good, and I acquired a number of art objects in the open market. Private persons especially made me very frequent offers in the beginning. I should like to emphasize that, especially in Paris, I was rather deceived. As soon as it was known that it

was for me the price was raised 50 to 100 percent. That is all I have to say briefly and in conclusion in regard to this matter.

DR. STAHMER: Did you make provisions for the protection of French art galleries and monuments?

GÖRING: I should like to refer at first to the state art treasures of France, that is, those in the possession of the state museums. I did not confiscate a single object, or in any way remove anything from the state museums, with the exception of two contracts for an exchange with the Louvre on an entirely voluntary basis. I traded a statue which is known in the history of art as La Belle Allemande, a carved wood statue which originally came from Germany, for another German wood statue which I had had in my possession for many years before the war, and two pictures—an exchange such as I used to make before the war with other museums here, and as is customary among museums. Moreover I have always instructed all authorities to do their utmost to protect art objects against destruction by bombs or other war damage. I remember that when the directors of the Louvre told me that most of the things had just been put into the rooms of the so-called Loire castles, I said that I would be willing at their request, and if it seemed necessary with the increased bombing attacks, to help them put these objects into safekeeping at places determined by them, as they complained of not having transportation facilities.

Now I wish to refer to art monuments, which I would call the buildings, churches, and other monuments—anything of a stationary character. Here I can say that perhaps sometimes I issued an order which stood in contradiction to my strictly military duties, because I strongly emphasized to my fliers that the magnificent Gothic cathedrals of the French cities were, under all circumstances, to be protected and not to be attacked, even if it were a question of troop concentrations in those places; and that if attacks had to be made, precision bombing Stukas were to be used primarily. Every Frenchman who was present at the time will confirm this, that the peculiar situation arose, be it in Amiens, Rouen, Chartres or in other cities, that the cathedrals—those art monuments of such great importance and beauty—were saved and purposely so, in contrast to what later happened in Germany. There was of course some broken glass in the cathedrals, caused by bomb detonations, but the most precious windows had been previously removed, thank God. As far as I remember, the small cathedral in Beauvais had fallen victim to bombing attacks on the neighboring houses, the large cathedral still is standing. The French Government repeatedly acknowledged recognition of this fact to me. I have no other comment on that point.

DR. STAHMER: What reasons made you put Colonel Veltjens in charge of centralizing the black market in France?

GÖRING: Colonel Veltjens was a retired colonel. He was a flier in the first World War. He then had entered business. Therefore, he was not sent there in his capacity as colonel, but as an economist. He was not only in charge of the black market in France, but also of that in Holland and Belgium. It came about in the following manner: After a certain period during the occupation, it was reported to me that various items, in which I was particularly interested for reasons of war economy, could be obtained only in the black market. It was then, for the first time, that I became familiar with the black market, that is that copper, tin, and other vital materials were still available, but that some of them lay buried in the canals of Holland, and had also been carefully hidden in other countries. However, if the necessary money were paid, these articles would come out of hiding, while, on the basis of the confiscation order, we would receive only very little of the raw materials necessary for the conduct of the war. At that time, as during the entire war, I was guided only by intentions and ideas leading toward the ultimate war aim, the winning of victory. It was more important to me to procure copper and tin, just to cite one example, to get them in any case, no matter how high the price might be, than not to get them merely because I did not consider such high prices justified. I therefore told Veltjens in rather general terms, "You know in what things German war economy is interested. Where and how you get these things is immaterial to me. If you get them by means of confiscation, that is all the better. If we have to pay a great deal of money to get them, then we shall have to do that too." The unpleasant thing was that other departments, first without my knowing it—as the French Prosecution has shown here quite correctly—also tried in the same way to get the same things, in which they also were interested. The thought of now having internal competition as well was too much for me. So then I gave Veltjens the sole authority to be the one and only office in control as far as the civilian dealers were concerned who insisted they could procure these things only in that other way, and to be the only purchasing office for these articles and, with my authority, to eliminate other offices.

The difficulty of combating the black market is the result of many factors. Afterwards, at the special request of Premier Laval, I absolutely prohibited the black market for Veltjens and his organization as well. But in spite of this it was not thereby eliminated, and the statement of the French Prosecution confirms my opinion that the black market lasted even beyond the war. And as far as I know it is again flourishing here in Germany today to the widest

extent. These are symptoms which always arise during and after a war when there is on the one hand a tremendous scarcity and holding back and hiding of merchandise and on the other hand the desire to procure these things.

DR. STAHMER: Shall I stop now?

THE PRESIDENT: Dr. Stahmer, the Tribunal understood from you that the witness would probably—that the defendant would probably finish his examination in chief at midday today. Can you now tell me how much longer you think the defendant will be with his testimony?

DR. STAHMER: I had counted on being able to finish this morning, but there were several interruptions, and I hope to finish during the course of the day.

THE PRESIDENT: There was no interruption with the exception of that one interruption with reference to Mr. Justice Jackson's objection as to reprisals. There was no other interruption that I remember.

DR. STAHMER: Yes, there was a technical disturbance earlier.

THE PRESIDENT: Yes. Then the Tribunal will sit tomorrow morning from 10 to 1.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. STAHMER: What were the reasons that led to the attack on Yugoslavia?

GÖRING: Germany, during all the years before the beginning of the war, had the very best of relations with the Yugoslav people and the Yugoslav Government. It was part of my foreign political task to cultivate these relations especially. Since the Regent, Prince Paul, and Prime Minister Stojadinovic were personal friends of mine, I often visited the country and also spent a long vacation there.

It was our intention to have not only the best economic relations by each complementing the other, but also beyond that to come to a close political understanding and friendship. This was successful to the fullest extent and found its climax in the return visit which the Regent, Prince Paul, made to Germany.

Since at the same time I also had similar friendly relations with King Boris of Bulgaria, I was able to exert a stabilizing influence here too, and at times also in regard to Italy. My intervention in behalf of Yugoslavia even caused there, for a time, a certain misapprehension where I was concerned.

After the outbreak of the war everything was likewise avoided which could cause anything but friendly relations with Yugoslavia. Unfortunately Prime Minister Stojadinovic resigned, but his successor followed the same policy.

The entering into the Three Power Pact had the purpose of maintaining Yugoslavia's neutrality under all circumstances and of not drawing her into the war. Even at the time when the pact was signed one recognized the necessity for sending troops to Romania as a precautionary measure, and also to Greece because of the English landing there or the impending English landing. In spite of that agreement it was expressly provided that no troop transports should go through Yugoslavia, so that the neutrality of that country after its entry into the Three Power Pact would be confirmed in every way.

When Premier Cvetkovic came to power, General Simovic's revolt against the government of the Prince Regent and the accession to the throne of the King, who was still a minor, followed shortly after. We very quickly learned, through our close relations with Yugoslavia, the background of General Simovic's revolt. Shortly afterwards it was confirmed that the information from Yugoslavia was correct, namely, that a strong Russian political influence existed, as well as extensive financial assistance for the undertaking on the part of England, of which we later found proof. It was clear that this venture was directed against the friendly policy of the previous Yugoslav Government toward Germany. It must be

mentioned here that in later press statements it was pointed out by the Russian side how strong their influence had been and for what purpose this undertaking had been executed.

The new Yugoslav Government, quite obviously and beyond doubt, stood visibly in closest relationship with the enemies we had at that time, that is to say, England and, in this connection, with our enemy to be, Russia.

The Simovic affair was definitely the final and decisive factor which dispelled the very last scruples which the Führer had in regard to Russia's attitude, and caused him to take preventive measures in that direction under all circumstances. Before this Simovic incident it is probable that, although preparations had been undertaken, doubts as to the inevitable necessity of an attack against Soviet Russia might have been pushed into the background. These clear relations between Moscow and Belgrade, however, dispelled the Führer's very last doubts. At the same time it was evident that Yugoslavia, under the new government, was merely trying to gain time for massing her troops, for the very night the revolt was undertaken secret and shortly afterwards official orders for mobilization were issued to the Yugoslav Army.

In spite of the assurances which Simovic gave Berlin, that he would feel himself bound to the agreement or something like that, the maneuver could easily be seen through.

The situation was now the following: Italy, our ally, had at the time attacked Greece, advancing from Albania in October or September 1940, if I remember correctly. Germany had not been informed of this venture. The Führer heard of this undertaking through me on the one hand, who had by chance learned of it, and also through the Foreign Office, and he immediately rerouted his train, which was on the way from France to Berlin, in order to speak to the Duce in Florence.

The Italian Government, or Mussolini himself, saw very clearly at this moment why the Führer wanted to talk to him, and as far as I remember the order to the Italian Army to march from Albania to Greece was therefore released 24 or 48 hours before originally scheduled. The fact is that the Führer, in his concern to prevent under all circumstances an expansion of the conflict in the Balkans and the eastern Mediterranean, wanted to urge the Duce to forego such plans, which were not necessary, but were undertaken only for reasons of prestige.

When the meeting took place at 10 o'clock in the morning and the Führer had mentioned his misgivings, Mussolini actually declared that since 6 o'clock of that morning the Italian troops had already been advancing through Greece and, in his opinion, would shortly be in Athens. The Führer pointed out again that this

would mean that under certain circumstances relations with Turkey would also be most seriously endangered and another theater of war would be created, since he well knew, although he did not mention it at that time, that an Italian theater of war sooner or later would mean drawing on the German ally for help.

That actually was the situation at the outbreak of the attack on Yugoslavia. Italy, stopped and thrown back, was left in a most unfavorable position strategically and tactically while still facing the Greek enemy. If only a part of the Yugoslav Army moved against the flank and the rear of the Italian Skutari position, then not only would Italy be eliminated there, but also an essential part of the Italian fighting forces would be destroyed. It was clear that the position of these Italian fighting forces would soon be hopeless, since because of the landing of British auxiliary troops in Greece it was to be expected that as soon as they came to the aid of the Greeks the Italian Army would not only be thrown out of Greece, where they were standing merely at the border, but also out of Albania; and the British troops would then be in dangerous proximity to Italy and the Balkans, which were economically of decisive importance for us.

By means of the Simovic revolt and the mobilization of Yugoslavia the elimination of the Italian Balkan armies would have been achieved. Only the quickest action could prevent a two-fold danger: first, a catastrophe befalling our Italian ally; and second, a British foothold in the Balkans, which would be detrimental to a future vantage point in the conflict with Russia.

The German troops which were on the march for "Operation Marita," Greece, which were to march against Greece in order to throw back into the Mediterranean those British divisions which had landed, and to relieve the rear of the Italian ally, were turned with the spearhead to the right, and with accelerated, short-notice preparations for attack, they were thrown into the flank of the massed Yugoslav troops. The Air Force was called from its airfields in Germany within a very short time and assembled at the airfields in the southeast area, which was easily possible, and was also used to support the attack. Only by such quick action, and due to the fact that the basic conditions had been provided by Operation Marita, was Germany able to stave off an extraordinary danger to her entire position in the Balkans and in the southeast area at that moment. Politically and from a military point of view it would have been a crime against the State as far as the vital German interests were concerned, if in that case the Führer had not acted as he did.

DR. STAHMER: What targets did the Air Force attack in Yugoslavia first?

GÖRING: I have just explained the very particular situation of the German Armed Forces at the outbreak of this war and the problems which had to be solved with extraordinary speed and the likewise extraordinary results which had to be attained in order to carry out their original task, which was the piercing of—I do not remember the name now—the Metaxas line in northern Greece before English troops, which had already landed near Athens, could come to the support of the Greek garrisons along the Metaxas line.

Therefore there was first of all an order for a concentrated smaller part of the German forces to penetrate that line, while the other part, as planned, had to throw itself upon the Yugoslav Army and, here too with insufficient forces in the shortest possible time, had to eliminate this army. That was a necessary condition for the success of the whole thing. Otherwise not only would the Italian Army surely be destroyed, but the German Army, thus divided, with a part of its forces advancing in Yugoslavia—the Bulgarian support came much later—another part breaking through the strong Metaxas Line in time to prevent the English deployment there, might get itself into a very difficult and critical, and perhaps disastrous military position. Therefore the Air Force had, in this case, to be employed with the greatest effect, in order that the Yugoslav action of deployment against Germany and her ally should be stopped as quickly as possible.

Therefore there was first of all an order for a concentrated attack upon the Yugoslav Ministry of War in Belgrade, and secondly, upon the railroad station, which in Belgrade particularly, in view of the small number of Yugoslavian railroad lines, was a special deployment junction. Then there were several other rather important centers, the General Staff building, *et cetera,* included in the order because, at that time, the political and military headquarters were still located in Belgrade. Everything was still concentrated there, and the bombing of that nerve center at the very beginning would have an extraordinary paralyzing effect on the further deployment of the resistance.

A warning to Yugoslavia was not necessary for the following reasons. Strictly speaking the objection might be raised that we did not send a declaration of war or a warning. Actually, however, none of the leading men in Yugoslavia had the least doubt but that Germany would attack. That was recognized, for they had feverishly busied themselves with deployment, and not only with mobilization. Moreover the attacks of the German Army were made before the bombing of Belgrade. But even assuming that the Air Force had made the first attack and only then the Army—that is, without warning—Yugoslavia's actions and the extraordinary danger of the

military situation would have demanded that. We were already in the midst of the most severe battle. It was a question of securing the Balkans on both sides and holding them firmly. The targets—and I emphasize this once more—were, as I remember exactly, the Ministry of War, the railroad station, the General Staff building, and one or two other ministries. The city, of course, since these buildings were spread about within the city, was also affected by the bombardment.

DR. STAHMER: During the last days we have heard here repeatedly about the aerial attacks on Warsaw, Coventry, and Rotterdam. Were these attacks carried out beyond military necessity?

GÖRING: The witnesses, and especially Field Marshal Kesselring, have reported about part of that. But these statements made me realize once more, which is of course natural, how a commander of an army, an army group or an air fleet really views only a certain sector. As Commander-in-Chief of the Air Force, however, I am in a position to view the whole picture, since I, after all, was the man responsible for issuing orders, and according to my orders and my point of view the chiefs of the fleets received their instructions and directives as to what they had to do.

Warsaw: First of all I should like to make clear the statement that on the first morning of the attack on Poland, a number of Polish cities, I believe the British prosecutor mentioned their names, were attacked. I do not remember their names any more. In my instructions for the first day of the attack on Poland it says specifically, first target: destruction and annihilation of the enemy air force. Once that had been achieved the other targets could be attacked without further delay. Therefore I gave the order to attack the following airfields—I am certain, without having the names at hand just now, that 80 percent of the names mentioned were cities near which there were air bases. The second main target, which was however to be attacked only to a slight extent on the first day, or with the first main blow, were railroad junctions of first importance for the marshaling of larger troop units. I would point out that shortly before the last and decisive attack on Warsaw, an air attack, about which I will speak in a minute, the French military attaché in Poland sent a report to his government which we are in a position to submit here, which we found later in Paris, from which it can be seen that even this opponent declared that the German Air Force, he had to admit, had attacked exclusively military targets in Poland, "exclusively" particularly emphasized.

At first Warsaw contained only one, two targets, long before—"long before" is the wrong expression because it took place quickly—in other words, before the encirclement of Warsaw. That was the

Okecie airfield, where the main enemy Polish air force was concentrated, and the Warsaw railroad station, one of the main strategic railroad stations of Poland. However, these attacks discussed were not the decisive ones; after Warsaw was encircled, it was asked to surrender. That surrender was refused. On the contrary I remember the appeals which urged the entire civilian population of Poland as well as the inhabitants of Warsaw to offer resistance, not only military but also resistance as civilians, which is contrary to international law, as is known. Still we gave another warning. We dropped leaflets at first, not bombs, in which we urged the population not to fight. Secondly, when the commanding officer persisted in his stand, we urged the evacuation of the civilian population before the bombing.

When a radio message was received that the commanding officer wanted to send a truce emissary we agreed, but waited for him in vain. But then we demanded that at least the diplomatic corps and all neutrals should leave Warsaw on a road designated by us, which in fact was done.

Then, after it was clearly stated in the last appeal that we would now be forced to make a heavy attack on the city if no surrender took place, we proceeded to attack first the forts, then the batteries erected within the city and the troops. That was the attack on Warsaw.

Rotterdam: In Rotterdam the situation was entirely different. In order to terminate the campaign in the Netherlands as quickly as possible and thereby avoid further bloodshed for a people with whom we had no basic differences, but had to carry through this campaign only for the previously mentioned reasons, I had suggested the use of the parachute division in the rear of the entire Dutch forces deployed against Germany, especially in order to capture the three most important bridges, one near Moerdijk across the Rhine, the other near Dordrecht, and the third near Rotterdam. Thereby from the beginning the way would be paved in the rear of the entire troop deployment and, were we to succeed, the Dutch Army with all its valor could only hold out for a few days. This attack or landing of my parachute division on the three bridges proved entirely successful.

While at Moerdijk and Dordrecht resistance was overcome quickly, the unit at Rotterdam got into difficulty. First it was surrounded by Dutch troops. Everything hinged on the fact that the railroad bridge and the road bridge, which were next to each other, should under all circumstances fall into our hands without being destroyed, because then only would the last backdoor to the Dutch stronghold be open. While the main part of the division was in the southern section of Rotterdam, a few daring spearheads

of the parachutists had crossed both bridges and stood just north of them, at one point in the railroad station, right behind the railroad bridges north of the river, and the second point within a block of houses which was on the immediate north side of the road bridge, opposite the station and near the well-known butter or margarine factory which later played an important role. This spearhead held its position in spite of heavy and superior attacks.

In the meantime a German panzer division approached Rotterdam from the outside via the Moerdijk and Dordrecht bridges, and here I would like to correct a misapprehension which arose in the cross-examination of Field Marshal Kesselring by Sir David Maxwell-Fyfe concerning persons involved. Lieutenant General Schmidt belonged to this group which came from the outside and led the panzer troops. General Student led the parachute division which was in Rotterdam, that is, inside, and that explains the fact that at one time there were negotiations for capitulation with the German commander of the troops coming from the outside, and at another time surrender negotiations with the general commanding the parachute troops within the city. Both were later co-ordinated. I do not want to go into details here as to whether clear agreements were arrived at—examining this chronologically one can trace it down to the very minute—and whether it could be seen at all that capitulation would come about or not; this of course, for the time being concerned Rotterdam alone. At that time the group north of the two bridges was in a very precarious and difficult position. Bringing reinforcements across the two bridges was extremely difficult because they were under heavy machine gun fire. To this day I could still draw an exact picture of the situation. There was also artillery fire, so that only a few individual men, swinging from hand to hand under the bridge, were able to work their way across, in order to get out of the firing line—I still remember exactly the situation at that bridge later on.

It had been ordered that the batteries standing north of the station, and also the Dutch forces on the road leading north between the station and the butter factory, which presented a great handicap to our shock troops, were to be bombed. For at that moment the parachute troops had no artillery, and bombing was the only sort of artillery available for the parachute troops, and I had assured my parachutists before the venture that they would under all circumstances receive protection by bombers against heavy fire. Three groups of a squadron were used. The call for help came over the radio station of the paratroopers in Rotterdam, which did not function as well as has been claimed here, and also from the clearly exhibited and agreed upon ground signals which the reconnaissance planes brought back. These were signs such as arrows, indicators,

and letters which intimated to the reconnaissance fliers: "We are pressed by artillery from the north, east, south, *et cetera.*"

Thereupon I ordered the air fleet to use one squadron. The squadron started in 3 groups, about 25 to 30 or 36 planes. When the first group arrived, as far as I know, the surrender negotiations were in progress, but to no clearly defined end. In spite of that red flares were sent up. The first group did not grasp the significance of these flares but threw their bombs as agreed upon, exactly in that area, as had been ordered. If I remember the figures correctly, there were at the most 36 twin-motored planes which released mainly 50-kilo bombs. The second and third groups which followed understood the red signals, turned around, and did not drop their bombs.

There was no radio connection between Rotterdam and the planes. The radio connection went from Rotterdam by way of my headquarters, Air Fleet 2, to the division, from division to squadron ground station, and from there there was a radio connection to the planes. That was in May 1940, when in general the radio connection between ground station and planes was, to be sure, tolerably good but in no way to be compared with the excellent connections which were developed in the course of the war. But the main point was that Rotterdam could not communicate directly with the planes and therefore sent up the signals agreed upon, the red flares, which were understood by Groups 2 and 3, but not by group 1.

The great amount of destruction was not caused by bombs but, as has been said, by fire. That can best be seen from the fact that all the buildings which were built of stone and concrete are still standing in the ruined part, while the older houses were destroyed. The spread of this fire was caused by the combustion of large quantities of fats and oils. Secondly—I want to emphasize this particularly—the spread of this fire could surely have been prevented by energetic action on the part of the Rotterdam fire department, in spite of the storm coming up.

The final negotiations for capitulation, as far as I remember, took place not until about 6 o'clock in the evening. I know that, because during these surrender negotiations there was still some shooting going on and the paratroopers' general, Student, went to the window during the surrender negotiations and was shot in the head, which resulted in a brain injury.

That is what I have to say about Rotterdam in explanation of the two generals and their surrender negotiations, one from within and one from without.

Coventry: After the period from 6 or 7 September to November, after repeating warnings to the English Government, and after the Führer had reserved for himself the right to give the order for

reprisal attacks on London—and had long hesitated to give this order—and after German cities which were not military objectives had been bombed again and again, then London was declared a target for attack. From 6 and 7 September—the first attack was on the 6 September in the afternoon—the German Luftwaffe pounded London continuously. Although this seemed expedient for reasons of retaliation and for reasons of political pressure on the part of the political leadership, I did not consider it of ultimate value.

I do not wish to be misunderstood when I say that I knew from the first World War that the people of London can take a great deal and that we could not break their military resistance in this manner. It was important to me, first of all, to prevent an increase in the defense power of the British Air Force. As a soldier or, better said, as Commander-in-Chief of the German Luftwaffe, the weakening and elimination of the enemy air force was a matter of decisive importance for me.

Although the Führer wanted, now as before, to see London attacked, I, acting on my own initiative, made exact preparations for the target of Coventry because, according to my information, there was located in and around Coventry an important part of the aircraft and aircraft accessories industry. Birmingham and Coventry were targets of most decisive importance for me. I decided on Coventry because there the most targets could be hit within the smallest area.

I prepared that attack myself with both air fleets, which regularly checked the target information—and then with the first favorable weather, that is, a moonlit night, I ordered the attack and gave directions for it to be carried out as long and as repeatedly as was necessary to achieve decisive effects on the British aircraft industry there. Then to switch to the next targets in Birmingham and to a large motor factory south of Weston, after the aircraft industry, partly near Bristol and south of London, had been attacked.

That was the attack on Coventry. That here the city itself was greatly affected resulted likewise from the fact that the industry there was widely spread over the city, with the exception of two new plants which were outside the city, and again in this case the damage was increased by the spreading of fire. If we look at German cities today, we know how destructive the influence of fire is. That was the attack on Coventry.

DR. STAHMER: In the year 1941, negotiations took place about collaboration with Japan. Were you present at these negotiations?

GÖRING: I myself did not take part in the negotiations. I can say very little about negotiations with Japan because from a military point of view I had very little to do with Japan and seldom

met the Japanese. During the entire war only once, and for a short time, I received a delegation of Japanese officers and attachés. Therefore, I cannot say anything about collaboration with Japan. We were instructed to exchange experiences, war experiences, with the Japanese, but that went through the various offices. Personally I had nothing to do with the Japanese.

DR. STAHMER: When were you first informed that Hitler thought a war against Russia necessary?

GÖRING: It was not until the late fall of 1940, in Berchtesgaden, that I was informed about the intentions of the Führer to enter into conflict with Russia under certain circumstances.

DR. STAHMER: Were you present at the conversation, which took place in Berlin in November 1940 with the Russian Foreign Minister, Molotov?

GÖRING: I personally was not present at the conversation between Hitler and Molotov. Mr. Molotov, however, also paid me a visit, and we discussed the general situation. I know, of course, about the conversation with Molotov, because the Führer informed me about it in detail. It was just this conversation which very much increased the Führer's suspicion that Russia was getting ready for an attack upon Germany, and this was brought out during this discussion by the remarks and demands which Mr. Molotov made.

These were, firstly, a guarantee to Bulgaria, and a pact of assistance with Bulgaria, such as Russia had made with the three Baltic states.

Secondly, it involved the complete abandonment of Finland by Germany, to such an extent that Russia, who had signed a peace with Finland a short time ago, thought herself justified in attacking Finland again in order not to have to acquiesce in the results of the previous agreements, Hangö, *et cetera.*

Thirdly, it dealt with discussions about the Dardanelles and the Bosporus; and the fourth point was the possibility of penetration into Romania beyond Bessarabia.

These were the points which were discussed with the Führer. There was also a hint to the Foreign Minister about an occupation, or securing of interests, at the exit of the Baltic.

The Führer viewed these demands in a different light. Although Russia might have been justified in making demands to Germany concerning Finland, he believed, that in connection with other reports which he had received about Russian preparations and deployment of troops, Russia wanted to strengthen her position in Finland, in order to outflank Germany in the north and to be in immediate proximity to the Swedish ore mines, which were of vital

or at least very decisive importance to Germany in this war. Secondly, as to the advance, as demanded, into the Romanian and Bulgarian area, the Führer was not at all sure that this pressure would continue in the south, that is, the Dardanelles, or in a near-easterly direction, but rather in a westerly direction; that is to say, that here also Russia might push into the southern flank of Germany and, by getting control of the Romanian oil fields, make Germany absolutely dependent on Russia for deliveries of oil. In these demands he saw the camouflaged attempts to deploy troops and obtain troop positions against Germany. The suggestion of securing an outlet to the Baltic did not even come up for discussion, as far as Germany was concerned, at that time. Altogether that conversation caused the Führer to feel that further relations were being menaced by Russia.

Already in his discussion with me the Führer told me why he was thinking about anticipating the Russian drive under certain circumstances. The information about feverish work on deployment preparations in the area newly acquired by Russia, Poland, Lithuania, Latvia, Estonia, and Bessarabia, made him extremely suspicious. Until then we had sometimes only 8, later 20 and 25 divisions along the entire eastern border. Further reports came that Russia might be expected to attack us from the rear as soon as Germany had gone to war in the West, either because of an invasion by Britain or because Germany on her part had decided to invade England. His arguments were strengthened even more by the fact that shortly before, contrary to anything practiced in Russia before this, engineers, and, I believe, also officers of ours, that is, Germans, were suddenly shown the tremendous Russian armament works of the aviation and tank industry. These reports about the surprisingly high production capacity of these armament works further strengthened the Führer's conviction. He was so firmly convinced because, he said—and this was his political reflection—if England still will not consider coming to an agreement with us, although she now stands alone against us, she must have something at the back of her mind. He had information that Prime Minister Churchill had pointed out two things to worried elements in England.

First, that increased support by the United States could be expected, first of all in the technical field, that is, with respect to armaments, and then extending to other fields; and, secondly, which he considered even more probable, that Churchill had already come to an understanding with Russia in that direction, and he pointed out that here sooner or later there would be a clash. His calculations were the following: Before the United States could be ready with her armaments and the mobilization of her army, he would have to smash the Russian troop concentrations, and break down and weaken the Russian forces to such an extent by strong concentrated attacks, that they would not represent a danger in the rear if he had to

enter into an English-American conflict on the Continent. These were the explanations of the Führer.

Then came the visit of Molotov, which I just mentioned and which enhanced this point of view considerably.

DR. STAHMER: What was your attitude toward an attack on Russia at that time?

GÖRING: At first I was very much surprised at the time and asked the Führer to give me a few hours to state my view. It came entirely as a surprise to me. Then in the evening, after this conversation had taken place in the afternoon, I told the Führer the following:

I urged him most particularly not to start a war against Russia at that moment, or even a short time after; not that I was moved by considerations of international law or similar reasons; my point of view was decided by political and military reasons only. First, at all times since the seizure of power I, perhaps of all the leading men in Germany, was the only one who always considered conflict with Russia as a threatening menace to Germany. I knew—and many others with me—that for over 10 years an exceedingly strong rearmament and training program had been in effect in Russia, that the standard of living had been lowered in all other fields in favor of one single tremendous rearmament. The deliveries made by German industry and examination of the deliveries made by the American, British, and other industries always showed clearly that they consisted only of such machines as were directly or immediately necessary for a gigantic industrial rearmament program. One could thereby estimate the speed and the size of the Russian rearmament. If Germany had now developed in the way of communism, then of course the Russian rearmament, in my opinion, would have been directed against other danger. But since we had come to power, the inner political and ideological contrast naturally played, in my opinion, a menacing part. I have come to understand that such contrasts do not necessarily have to lead to conflicts between countries, because the political interests of nation and state will always be stronger and greater than all ideological contrasts or agreements. But here also I saw a menace, because what did this tremendous Russian rearmament signify at a time when Germany before the seizure of power, was impotent? I now told the Führer that in spite of this basic attitude I always feared this danger from Russia and had always recognized it, but that I was asking him rather to leave this danger in abeyance and, if at all possible, to direct Russia's interests against England.

And indeed I said to him:

"We are at present fighting against one of the greatest world powers, the British Empire. If you, my Führer, are not of

exactly the same opinion, then I have to contradict you, because I am definitely of the opinion that sooner or later the second great world power, the United States, will march against us. This will not depend on the election of President Roosevelt; the other candidate will also not be able to prevent this. Then we shall be at war against two of the largest world powers. It was your masterstroke at the beginning of the war to make possible a one-front war; you have always pointed that out in your *Kampf*. In the case of a clash with Russia at this time, the third great world power would be thrown into the struggle against Germany. We would again stand alone, against practically the entire world; the other nations do not count. And again we would have two fronts."

And he replied,

"I fully appreciate your arguments. I appreciate the Russian menace more than anybody else, but if we should succeed in executing our plans as prepared in the fight against the British Empire, and if these were only half-way successful, Russia would not launch her attack. Only if we should become deeply involved in a serious conflict in the West would I be of your opinion, that the Russian menace would increase enormously."

I was even of the opinion that the quick assent of the Russians to the settlement of the Polish crisis was given in order that Germany, free from that side, would be all the more likely to get into this conflict, because the German-French-British conflict would come about thereby, and it would be entirely understandable, as far as Russian interests were concerned, to bring about this conflict and come out of it as well as before. I furthermore told the Führer that, according to my reports and evidence, Russian rearmament would reach its climax in the year 1942-43, or perhaps even in 1944. Before then we should, however, succeed, if not in achieving a peace by victory on our part, at least in coming to an arrangement with England. This, however, would be possible only if decisive successes were achieved against England. At that time the German Air Force with all its weight was being employed in the attack on England. If now a new front should be formed for an attack on Russia, a considerable part of these air forces, more than half, two-thirds, would have to be diverted to the East. For practical purposes an energetic air attack on England would thereby cease. All the sacrifices up to that time would be in vain; England would be given a chance to reorganize and build up her shattered aircraft industry undisturbed.

Much more decisive than these considerations was the fact that with a deployment of that kind against Russia, my plan, which I had

submitted to the Führer, to attack England at Gibraltar and Suez, would have to be dropped more or less finally. The attack on Gibraltar was so methodically prepared by the Air Force that, according to all human expectations, there could be no failure. The British air force stationed there on the small airfield north of the Rock of Gibraltar was of no importance. The attack of my paratroopers on the Rock would have been a success. The simultaneous occupation of the other side, the African side, and a subsequent march on Casablanca and Dakar would at least have been a safeguard against America's intervention—a campaign, such as later took place in North Africa. To what extent beyond this, by agreement, the Cape Verde Islands could still be used, was an open question. It is obvious what it would have meant to be established with aircraft and submarines at North African bases and to attack all the convoys coming up from Capetown and South America from such favorable positions. Even if the Mediterranean had been closed in the west, it would not have been difficult, by pushing across Tripoli, to bring the Suez project to a conclusion, the time and success of which could be calculated in advance.

The exclusion of the Mediterranean as a theater of war, the key point Gibraltar—North Africa down to Dakar—Suez, and possibly extended further south, would have required only a few forces, a number of divisions on the one side and a number of divisions on the other, to eliminate the entire insecurity of the long Italian coast line against the possibility of attack.

I urged him to put these decisive considerations in the foreground and only after the conclusion of such an undertaking to examine further the military and political situation with regard to Russia. For, if these conditions were brought about, we would be in a favorable position in the case of an intervention by the United States, a flanking position. I explained to him all these reasons in great detail and pointed out to him again and again that here we would be giving up something relatively secure for something still insecure, and that, after securing such a position, there would be much more of a prospect of coming, under certain circumstances, to an arrangement with England at a time when the two, both armed, would be standing opposite each other, the one on this, the other on that side of the Channel. These were my reasons for delaying the date, and I also told him that increased successes in this direction might enable us to steer Russian preparations politically, where possible, into other channels, against our enemies of the moment. I emphasize, however, that the Führer, restrained by considerations of caution, at first made only general preparations and was going to hold in reserve, as he told me at the time, the

actual attack; and the final decision was not taken until after the Simovic revolt in Yugoslavia.

THE PRESIDENT: We will adjourn now.

[A recess was taken.]

DR. STAHMER: The Prosecution has submitted Document Number 376-PS, notes of 29 October 1940, Paragraph 5 of which states the following: "The Führer concerns himself with the question of a later war with America and with an examination of the occupation of the Atlantic islands."

What can you say about this?

GÖRING: I am very well acquainted with this document because it has been submitted to me here. It concerns a letter which the representative of the Luftwaffe in the OKW, the then Lieutenant Colonel Von Falkenstein, wrote to the chief of the General Staff of my Air Force. It is a study of, it refers to those points which I have just set forth, namely the occupation of Gibraltar, North Africa, and perhaps also the Atlantic Islands—first as a combat base against England, our enemy at that time, and, secondly, in case America entered the war, to have a better flanking position against her convoys. But this was just a General Staff note. At that time I had already of my own accord, without having spoken to the Führer beforehand, made my military investigation of the possibility of carrying out such an undertaking. It is, therefore, of no consequence.

DR. STAHMER: In this connection I have a further question. An organization plan for the year 1950 prepared by a Major Kammhuber has been submitted here.

GÖRING: This question also may be answered briefly. I am familiar with this document, for on two or three occasions it has been mentioned by the Prosecution. Consultation with an expert general staff officer of any one of the powers represented would prove immediately that this document is of secondary value. It is simply a General Staff study, by the subordinate Organization Section, in order to work out the best scheme for a leadership organization. It was a question of whether one should concentrate on air fleets or land fortifications. It was a question of whether mixed squadrons consisting of bombers and fighters, or squadrons consisting only of bombers, or of fighters, should be used, and other such questions which are always being dealt with by the offices of a general staff, independent of war and peace. That such studies must of course be based on certain assumptions which are in the realm of strategic possibility, must be taken for granted. In this case the Major took as a basis the situation around or until

1950, a two-front war, which was not entirely beyond all probability, namely, a war on the one side with England and France in the west, and on the other side with Russia in the east. The basic assumption was that Austria and Poland were in our own hands, and so on. This study never reached me. I have just become acquainted with it here. But that is of no significance because it was made in my ministry and in my general staff and was therefore also made on my orders. For I placed such tasks within the general framework of having organization, leadership, and composition constantly tested by maneuvers and examples. This is completely irrelevant to the political evaluation and completely out of place in the framework of this Trial.

DR. STAHMER: Several days ago reference was made to a speech which you are said to have made to Air Force officers, in which you said that you proposed to have such an air force that, once the hour had struck, it would fall like an avenging host on the enemy. The opponent must have the feeling of having lost before he ever started fighting with you. I shall have this speech submitted to you and I would like you to tell us whether this speech was known to you and what its purpose was?

GÖRING: This quotation has been used by the Prosecution twice. Once in the beginning and the second time, the other day, in the cross-examination of Field Marshal Milch. This concerns a speech which appeared in a book by me called *Speeches and Compositions* which has already been submitted to the Tribunal as evidence. The speech is called "Comradeship, Fulfillment of Duty, and Willingness to Sacrifice," an address to 1,000 flight lieutenants on the day they took their oath in Berlin on 20 May 1936.

Here I was explaining at length to thousands of young flyers, the day they became commissioned officers, the concepts of comradeship, fulfillment of duty, and willingness to sacrifice. This quotation had been completely removed from its context. I therefore take the liberty of asking the Tribunal's permission, to read a short preceding paragraph, so that it will be seen in the right context, and I also request to be allowed to portray the atmosphere. Before me stand 1,000 young flight lieutenants full of hope, whom I now had to imbue with the appropriate fighting spirit. That has nothing to do with an offensive war, but the important thing was that my boys, should it come to war, this way or that, should be brave fellows and men with a will to act. The short quotation before this one is as follows:

> "I demand of you nothing impossible. I do not demand that you should be model boys. I like to be generous. I understand that youth must have its follies, otherwise it would not be youth. You may have your pranks, and you will get your

ears boxed for it. But that is not the decisive factor. The decisive factor is rather that you should be honorable, decent fellows, that you should be men. You can have your fun as much as you wish, but once you get into the plane you must be men, determined to smash all resistance. That is what I demand of you, brave, daring fellows."

Then comes the paragraph which has just been read. "I have visions"..."of possessing a weapon"..."which shall come like an avenging host against the foe." That has nothing to do with vengeance, for "an avenging host" is a *terminus technicus*, a usual term, in Germany. I might just as well have said that the opponent would use another word to express the same thing. I shall not read any further here, for these words, if I were to read them, would be readily understandable; one has to realize to whom I was speaking.

DR. STAHMER: To what extent did you assist in the economic and military preparation of Case Barbarossa?

GÖRING: As Commander-in-Chief of the Air Force I naturally took all the measures which were necessary in the purely military field for the preparation of such a campaign. Consent or refusal, as I have already recently explained.... I took the obvious military preparations which are always necessary in connection with a new strategic deployment, and which every officer was in duty bound to carry out, and for which the officers of the Air Corps received their command from me. I do not believe that the Tribunal would be interested in the details as to how I carried out the deployment of my air fleet. The decisive thing at the time of the first attacks was, as before, to smash the enemy air arm as the main objective. Independent of the purely military preparations, which were a matter of duty, economic preparations seemed necessary according to our experiences in the previous war with Poland, and in the war in the West; and doubly necessary in the case of Russia, for here we encountered a completely different form of economic life from that in the other countries of the Continent. Here it was a matter of state economy and state ownership; there was no private economy or private ownership worth mentioning. That I was charged with this was again a matter of course resulting from the fact that I, as Delegate for the Four Year Plan, directed the whole economy and had to provide the necessary instructions. I had therefore instructed the War Economy Staff to formulate a general economic plan for the invasion, in consultation with economic experts on Russia, especially as we had to expect that with our advance, Russia, according to long-established procedure, would destroy large parts of its economy. The result of these prepared economic mobilization studies was the so-called "Green File." I am of the opinion that in every future war, as in past wars on other

sides, there must always be an economic mobilization besides a military and political mobilization; otherwise one would get into very unpleasant situations.

The Green File has been cited repeatedly, and also here some of the quotations have been torn from their context. In order to save time I do not wish to read further passages from this Green File. That can perhaps be done when documentary evidence is given. But if I were to read the whole Green File from beginning to end, from A to Z, the Tribunal would see that this is a very useful and suitable work for armed forces which have to advance into a territory with a completely different economic structure; the Court will also realize that it could be worked out only that way. This Green File contains much positive material, and here and there a sentence which, cited alone, as has been done, gives a false picture. It provides for everything, among other things for compensation. If an economy exists in a state, when one enters into war with that state, and if one then gains possession of that economy, it is to one's interest to carry out this economy only insofar, of course, as the interests of one's own war needs are concerned—that goes without saying. But in order to save time I shall dispense with the reading of those pages which would exonerate me considerably for, I am stating, as a whole as it is, that our making claims on the Russian state economy for German purposes, after the conquest of those territories, was just as natural and just as much a matter of duty for us as it was for Russia when she occupied German territories, but with this difference, that we did not dismantle and transport away the entire Russian economy down to the last bolt and screw, as is being done here. These are measures which result from the conduct of war. I naturally take complete responsibility for them.

DR. STAHMER: A document has been submitted as Document Number 2718-PS, and this reads as follows:

> "Memorandum concerning the result of today's conference with the state secretaries in regard to Barbarossa.
>
> "1. The war can be continued further only if the entire Armed Forces can be supplied with food by Russia in the third year of war.
>
> "2. Millions of people will hereby doubtless starve if we take from this country that which is needed by us."

Were you informed of the subject of this conference with the state secretaries and of this document.

GÖRING: I became familiar with this document only when it was submitted to me here. This is a rather unreliable document. We can not tell clearly just who was present, where this was

discussed, and who was responsible for the nonsense that is expressed in it. It is a matter of course that, within the framework of all the conferences of official experts, many things were discussed which proved to be absolute nonsense.

First of all the German Armed Forces would have been fed, even if there had been no war with Russia. Therefore it was not the case, as one might conclude from this, that, in order to feed the German Armed Forces, we had to attack Russia. Before the attack on Russia the German Army was fed, and it would have been fed thereafter. But if we had to march and advance into Russia it was a matter of course that the army would always and everywhere be fed from that territory.

The feeding of several millions of people, that is, two or three, if I figure the entire troop deployment in Russia with all its staff, cannot possibly result in the starvation of many, many millions on the other side. It is impossible for one soldier on the one side to eat so much that on the other side there is not enough left for three times that number. The fact is moreover that the population did not starve. However, famine had become a possibility, not because the German Army was to be fed from Russia, but because of the destruction or the sending back by the Russians of all agricultural implements, and of the entire seed stocks. It was first of all impossible to bring the harvest, which had been partly destroyed by the retreating Russian troops, in from the fields to an extent even approaching what was necessary, because of inadequate implements; and, secondly, the spring and autumn crops were greatly endangered owing to the lack of implements and seed.

If this crisis was met, it was not because the Russian troops had not destroyed or removed everything, but because Germany had to draw heavily on her own stocks. Tractors, agricultural machines, scythes, and other things had to be procured, even seed, so that for the time being the troops were not fed by the country, but food had to be sent from Germany—even straw and hay. Only through the greatest efforts of organization and administration, and in cooperation with the local population could a balance gradually be achieved in the agricultural sector, and also a surplus for the German territories.

As far as I know, famine occurred only in Leningrad, as has also been mentioned here.

But Leningrad was a fortress which was being besieged. In the history of war I have until now found no evidence that the besieger generously supplies the besieged with food in order that they can resist longer; rather I know only of evidence in the history of wars that the besiegers do everything to force the surrender of the fortress by cutting off the food supply. Neither from the point of

view of international law nor from the point of view of the military conduct of war were we under any obligation to provide besieged fortresses or cities with food.

DR. STAHMER: And what part did the Air Force play in the attacks on Leningrad?

GÖRING: The air force at Leningrad was very weak. The most northern sector of our position had the poorest air protection, so that the air force there had to carry out very many tasks simultaneously. At no time was there a concentrated attack by the Air Force on Leningrad, such as we have made on other cities or as have been carried out on German cities on the largest scale. The Führer not once but repeatedly, in the presence of other gentlemen at briefing sessions, reproachfully said that apparently the German Luftwaffe dared not venture into Leningrad. I replied:

> "As long as my Air Force is ready to fly into the hell of London it will be equally prepared to attack the much less defended city of Leningrad. However I lack the necessary forces, and besides you must not give me so many tasks for my Air Force north of the front, such as preventing reinforcements from coming over Lake Ladoga and other tasks."

Attacks were therefore made only on Kronstadt and on the fleet which was left in the outer bay of Leningrad, and other targets such as heavy batteries.

I was interested to hear from the sworn testimony of the Russian professor for museums, that he was under the impression that the German Air Force was mainly out to destroy museums, and then from the testimony—not sworn to—by I believe he called himself a metropolitan, who had the impression that my Air Force had mainly chosen his cathedrals as targets. I would like to call your attention to this contradiction—perhaps understandable for people who are not experts. St. Petersburg was in fact at the very front of the fighting, and it was not necessary to attack by air, for medium and heavy artillery was sufficient to reach the center of the city.

DR. STAHMER: Was confiscation by the occupying power in Russia limited to state property?

GÖRING: In connection with the last question I forgot to mention something briefly.

There has been a great deal of talk here about the great destruction in Russia. Pictures and films were shown, impressive in themselves, but not so impressive to a German, for they showed only a modest proportion of the destruction which we personally experienced in our own cities. But I would like to point out that

much of this destruction took place in the course of battle, in other words, that destruction was not intended, by the Air Force or by the artillery, but that cities, historical cities or art monuments were very frequently destroyed by battle action.

Also, in Germany men of the rank of the musician and composer Tschaikovsky, and the poets Tolstoy and Pushkin are too highly revered for deliberate destruction of the graves of these great and creative men of culture to have been intended.

Now to the question whether only state property was confiscated; as far as I know, yes. Private property, as has been mentioned here from state documents—I can easily imagine that in the cold winter of 1941-42 German soldiers took fur shoes, felt boots, and sheep furs here and there from the population—that is possible; but by and large there was no private property, therefore it could not be confiscated. I personally can speak only of a small section, namely of the surroundings of the city of Vinnitza and the city of Vinnitza itself. When I stopped there with my special train as headquarters, I repeatedly visited the peasant huts, the villages, and the town of Vinnitza, because life there interested me.

I saw such abject poverty there that I cannot possibly imagine what one could have taken. As an insignificant but informative example I would like to mention that for empty marmalade jars, tin cans, or even empty cigar boxes or cigarette boxes, the people would offer remarkable quantities of eggs and butter because they considered these primitive articles very desirable.

In this connection I would also like to emphasize that no theaters or the like were ever consciously destroyed either with my knowledge or that of any other German person. I know only the theater in Vinnitza that I visited. I saw the actors and actresses there and the ballet. The first thing I did was to get material, dresses, and all sorts of things for these people because they had nothing.

As the second example, the destruction of churches. This is also a personal experience of mine in Vinnitza. I was there when the dedication took place of the largest church which for years had been a powder magazine, and now, under the German administration, was reinstated as a church. The clergy requested me to be present at this dedication. Everything was decorated with flowers. I declined because I do not belong to the Greek Orthodox Church.

As far as the looting of stores was concerned, I could see only one store in Vinnitza that was completely empty.

DR. STAHMER: What was the significance for the Air Force of the work camp Dora, which has been mentioned by the French Prosecution?

GÖRING: Before I go on to that I must add that the accusation that we destroyed industry everywhere is incorrect, but rather for

our own purposes we had to reconstruct a great part of industry. Thus I would like to recall the famous dam of Dniepropetrovsk which was destroyed and which was important for the electricity supply of the entire Ukraine, and even for the Donetz area.

As far as industry and agriculture are concerned, I have spoken of that before and mentioned the scorched earth policy as it was described in the Russian order and as it was carried out. This scorched earth policy, the destruction of all stock, of everything, created a very difficult situation which was hard to overcome. Therefore, from the economic point of view, we also had much reconstruction to do.

As far as destruction of cities is concerned, I would like to add that over and beyond that which was shot to pieces in the course of battle, during the advance or retreat, there were considerable parts and important buildings of cities that had been mined and at the proper time went up in the air, involving, of course, many German victims. I can cite Odessa and Kiev as two main examples.

Now I come to the question of Camp Dora. I also heard about Camp Dora here for the first time. Of course, I knew of the subterranean works which were near Nordhausen, though I never was there myself. But they had been established at a rather early period. Nordhausen produced mainly V-1's and V-2's. With the conditions in Camp Dora, as they have been described, I am not familiar. I also believe that they are exaggerated. Of course, I knew that subterranean factories were being built. I was also interested in the construction of further plants for the Luftwaffe. I cannot see why the construction of subterranean works should be something particularly wicked or destructive. I had ordered construction of an important subterranean work at Kahla in Thuringia for airplane production in which, to a large extent, German workers and, for the rest, Russian workers and prisoners of war were employed. I personally went there to look over the work being done and on that day found everyone in good spirits. On the occasion of my visit I brought the people some additional rations of beverages, cigarettes, and other things, for Germans and foreigners alike.

The other subterranean works for which I requested concentration camp internees were not built any more. That I requested inmates of concentration camps for the aviation industry is correct, and it is in my opinion quite natural because I was, at that time, not familiar with the details of the concentration camps. I knew only that many Germans also were in concentration camps—people who had refused to join the Army, who were politically unreliable, or who had been punished for other things, as also happens in other countries in time of war. At that time everyone had to work in Germany. Women were taken into the ranks of labor, including

those who had never worked before. In my own home parachute production was started, in which everyone had to participate. I could not see why, if the entire people had to take part in work, the inmates of prisons, concentration camps, or wherever they might be, should not also be put to use for work essential to the war.

Moreover I am of the opinion, from what I know today, that it certainly was better for them to work and to be billeted in some plane factory than in their concentration camps. The fact *per se* that they worked, is to be taken as a matter of course, and also that they worked for war production. But that work meant destruction is a new idea. It is possible that it was strenuous here or there. I for my part was interested that these people should not be destroyed, but that they should work and thereby produce. The work itself was the same as done by German workers—that is, plane and motor production—no destruction was intended thereby.

DR. STAHMER: Under what conditions were prisoners of war used in anti-aircraft operations?

GÖRING: Prisoners of war were used for anti-aircraft operations mainly for those stationary batteries at home which were for the protection of factories and cities. And indeed these were auxiliary volunteers. They were chiefly Russian prisoners of war, but not entirely as far as I remember. One must not forget that in Russia there were various racial groups who did not think alike and did not all have the same attitude to the system there. Just as there were so-called East Battalions made up of volunteers, so there were also a great number of volunteers who, after the announcement in the camps, reported for service in the anti-aircraft batteries. We also had an entire company of Russian prisoners of war who volunteered to fight against their own country. I did not think much of these people, but in time of war one takes what one can get. The other side did the same thing.

The volunteer auxiliaries liked to go to the anti-aircraft because they had considerably less work there and their food was better as it was soldiers' rations; whatever other reasons they may have had I do not know. However, if one did look at a local German anti-aircraft battery in the year 1944 or 1945 it made, I admit, a rather strange impression. There were German youths from 15 to 16 and old men from 55 to 60, some women and some auxiliary volunteers of all nationalities. I always called them my "gypsy batteries." But they shot, and that was what mattered.

DR. STAHMER: What was Sauckel's official relation to you?

GÖRING: I mentioned that in the Four Year Plan in 1936 there was already a Plenipotentiary General for the Allocation of Labor.

In the year 1942, after he had become ill and was being represented by somebody else, I was taken aback by the direct appointment of a new Plenipotentiary General for the Allocation of Labor—an appointment made directly by the Führer, and without my being consulted.

But at that time the Führer had already begun to intervene much more strongly and directly in such problems. If he did it here too, he did so because the labor problem became more acute from day to day. It had been suggested to him that he should appoint a new deputy for the time being, perhaps a Gauleiter of a different name, the one from Silesia. But the Führer decided on the Gauleiter from Thuringia, Sauckel, and made him plenipotentiary. This order was countersigned by Lammers, not by me, but that is of no significance; and it was formally included in the Four Year Plan, for the Four Year Plan had general plenary authority for all matters concerning economy. For this reason, up to the end even the appointment of Goebbels as Plenipotentiary General for the total war, which had nothing at all to do with me, was also included in the plenary power of the Four Year Plan, since otherwise the entire legislative work of the Four Year Plan, which I had gradually built up with its plenary powers, would have collapsed and we should have had to create entirely new conditions.

If Sauckel from that time on received his orders mainly from the Führer, it was because the Führer now intervened more effectively in all these matters; but I welcomed the appointment of Sauckel, for I considered him one of the calmest and most reliable Gauleiters and was also convinced that he would fully dedicate himself to this new task. The connection with the offices of the Four Year Plan was of course maintained, and in the case of important legislative decrees Sauckel and my offices of the Four Year Plan worked together, as far as I know.

Sauckel himself spoke to me on several occasions after he had been with the Führer, and sent me also a few of the reports which he sent to the Führer. Even if not in full detail I was, on the whole, informed.

DR. STAHMER: In March of 1944, 75 English Air Force officers escaped from the prisoner-of-war camp Stalag Luft III. As you probably know from the proceedings, 50 of these officers after their recapture were shot by the SD. Did this order for shooting come from you, and did you know of this intention?

GÖRING: I came to know of the course of events, but unfortunately not until a later period. When these 75 or 80 English Air Force officers attempted to escape during the last 10 days of March, I was at the moment on leave, as I can prove. I heard 1 or 2 days

later about this escape. As, however, prior to that, a few large escapes had already taken place and each time a few days later most of the escaped prisoners had been brought back to camp, I assumed that would happen in this case also.

On my return from my leave, the chief of my general staff told me that a part, but he could not give me the figure at the time, of these escaped officers had been shot. This had to a certain extent caused talk and excitement in our Luftwaffe; one also feared reprisals. I asked from whom he had his information and what had really happened. He said he knew only that part of the escaped men had been recaptured by the camp guards in the vicinity of the camp, and by the police authorities in the immediate neighborhood, and had been brought back to camp. Nothing had happened to these men. On the other hand, of the fate of those who had been recaptured at a greater distance from the camp he knew only that some of them had been shot.

I then went to Himmler and asked him. He confirmed this without mentioning a definite figure, and told me that he had received the order from the Führer. I called his attention to the fact that such a thing was utterly impossible, and that the English officers in particular were bound to make at least one or two attempts to escape and that we knew this. He said, I believe, that he had at least opposed the Führer in this matter at first, but that the Führer had absolutely insisted on it, since he maintained that escapes to such an extent represented an extreme danger to security.

I told him then that this would lead to the most severe agitation among my forces, for no one would understand this action, and that if he were to give such orders, he could at least inform me before carrying them out so that I might have the opportunity of countermanding them if possible.

After giving these instructions I talked to the Führer personally about the matter, and the Führer confirmed the fact that he had given the order and told me why—the reasons just mentioned. I explained to him why this order, according to our opinion, was completely impossible and what repercussions it would cause with regard to my airmen employed against the enemy in the West.

The Führer—our relations were already extremely bad and strained—answered rather violently that the airmen who were flying against Russia have to reckon with the possibility of being immediately beaten to death in case of an emergency landing, and that airmen going to the West should not want to claim a special privilege in this respect. I then told him that these two things really had no connection with each other.

Then I talked with the Chief of my General Staff and asked him —I believe he was the Quartermaster General—to write to the OKW

and say that I was now requesting, that the Air Force was requesting, that these camps be taken from our control. I did not want to have anything more to do with prisoner-of-war camps in case such things should happen again. This letter was closely connected with those events, a few weeks after those events. That is what I know about this matter.

DR. STAHMER: Witness Von Brauchitsch testified the other day that in May of 1944 the Führer decreed the strictest measures against the so-called terror-fliers. Did you, in compliance with this Führer decree, issue instructions to shoot enemy terror-fliers or to have them handed over to the SD?

GÖRING: The definition of "terror-fliers" was very confused. A part of the population, and also of the press, called everything which attacked cities "terror-fliers," more or less. Tremendous excitement had arisen among the German population because of the very heavy and continued attacks on German cities, in the course of which the population saw to a certain extent that the really important industrial targets were less frequently hit than houses and nonmilitary targets. Some German cities had thus suffered most severely in their residential districts, while the industries in these same cities remained on the whole untouched.

Then with the further flights of enemy forces to Germany there came so-called low-flying aircraft which attacked both military and nonmilitary targets. Reports came repeatedly to the Führer, and I too heard of these reports, that the civilian population was being attacked with machine guns and cannons; that single vehicles, which could be recognized as civilian vehicles, and also ambulances which were marked with a red cross, had been attacked. One report came in—I remember it distinctly because the Führer became especially excited about it—which said that a group of children had been shot at. Men and women standing in front of stores had also been shot at. And these activities were now called those of terror-fliers. The Führer was extremely excited.

The populace in its fury resorted at first to lynching, and we tried at first to take measures to prevent this. I heard then that instructions had been given through the police and Bormann not to take measures against this. These reports multiplied, and the Führer then decreed, or made a statement to the effect that these terror-fliers should be shot on the spot.

The belief that these fliers had been forbidden by their superiors to make such attacks, and that really they were to attack with their weapons only targets which could be recognized as military, I had confirmed beforehand through an interrogation of the airmen.

Now, as is often the case in matters of this kind, all offices which had anything to do with this were called in and we were aware, as

Brauchitsch has already declared—not only those of us in the Air Force, but also those in the OKW and other military offices—that it would be very hard to formulate and to support an order in regard to this matter. First of all the term "terror-flier" would have to be defined once and for all. In this connection four points were set down, and these points have already been read here.

Debate on this matter went to and fro. In general I expressed the opinion that these fliers, since they were prohibited by their own superiors to do these things, could be legally prosecuted by a military court every time. At any rate we arrived at no definite order after long bickering; and no office of the Air Force was ever instructed to undertake any steps in this direction.

The document in which it is said on 6 June 1944 that a conference between Himmler, Ribbentrop, and me took place in Klessheim and which is signed by Warlimont, states that Warlimont said that Kaltenbrunner had told him he had learned that such a conference had taken place. It does not say it actually took place. Now this day, 6 June 1944, is a very significant day, as Brauchitsch has already explained, for it is the day of the invasion in France. I no longer know exactly who came to Klessheim. Klessheim is a castle near Berchtesgaden and was used when allied or foreign missions came to visit.

For a long time already it had been customary that when such allied visits took place I, as Commander-in-Chief of the Air Force, was not present for each of these visitors naturally wanted above all, on the occasion of these conversations, to obtain help from the German Air Force and always asked for German fighters and machines no matter whether it was Bulgaria, Romania, Hungary, Finland, or Italy or someone else. I made a point of not being there on such occasions, so that the Führer might have an opportunity to be evasive and to say, "I must first consult with the Commander-in-Chief of the Air Forces."

Therefore I had already left Berchtesgaden on the 4th or the 3rd, as far as I remember, and was on my estate near Nuremberg. The General Staff officer who accompanied me, the physician and various others will be able to testify to this if necessary. In the morning hours I learned here of the invasion. Brauchitsch is wrong in one point, that this had already been reported as an invasion. On the contrary, in response to my further inquiry it was said that one could not yet tell whether it was a diversion maneuver or the actual invasion. Thereupon I returned to Berchtesgaden in the late evening or in the afternoon—I remember exactly. I left after lunch and it takes about 4½ hours from here. I therefore did not take part in the conference on this matter with Ribbentrop or Himmler in Klessheim or anywhere else, and I want to emphasize this especially.

This conference was held by my adjutant, Von Brauchitsch, that is, my General Staff officer, and he was the one who told the OKW, without consulting me once more, that it was my opinion that it was right to have court proceedings in such cases. The decisive thing, however, is that no such order as a Führer order, or as an order of mine, was issued to any office of the Luftwaffe or to the transit camp or interrogation camp in Oberursel, or to any part of the troops.

A document which has been read here concerns a report from Luftgau XI, which mentions the shooting of American fliers. I believe they were Americans, and this is mentioned in this connection because it says Luftgau XI. I looked through the document —there are two very detailed appendices. It is stated very definitely and clearly here that Luftgau XI reported that a crew which had bailed out and been rescued from the lake by some troops which did not belong to the Air Force, were shot by the police while on the way to the airfield—the exact name of the police office is given —that they therefore did not reach the airfield, but had been shot beforehand by the police. Luftgau XI duly reports these events as required. In the attached report each of the men is mentioned by name and also what happened to him. Some were taken to hospitals, others, as said before, were shot. And all these reports and each individual report sheet can be explained by the fact that the Luftgau offices, as the competent offices at home, were instructed automatically to make reports on a printed form as to whether it was a crash or a forced landing of our own or of enemy aircraft; at what time; whether the crew bailed out; whether the crew was killed, or half of it killed; whether they were brought to the camp or to the hospital. And in this case it is correctly reported, "Shot by the police while trying to escape; buried at such and such a place."

Records of this type ran into hundreds; I mean records of our own and of hostile craft, which had been shot down with their crews, in the heavy air fighting. The records were channeled from the Luftgau to the competent offices. The Air Force itself had nothing to do with this; it is very clear from the German original document that this was merely a report.

In this connection there were heated discussions. All of the gentlemen who had to take part in the Führer's daily briefing sessions will recall exactly that the Führer repeatedly told me in a very unfriendly manner that he definitely wished to know the names and the punishment of those officers who again and again had protected fliers from the population. I did not have these people searched for or arrested, nor did I have them punished. I always pointed out to the Führer that it had already happened that even our own fliers who had bailed out had been most severely

mishandled by our own people, who at first were completely confused, and I therefore repeatedly emphasized on behalf of the Air Force that such things must be stopped.

There was one last sharp controversy, again in the presence of many gentlemen, at a briefing session in which, when again I referred to these things, the Führer cut me short with the words, "I well know that both air forces have come to a mutual agreement of cowardice." Whereupon I told him, "We have not come to an agreement of cowardice, but somehow we airmen have always remained comrades, no matter how much we fight each other." All the gentlemen present will remember this.

DR. STAHMER: What was your attitude as the highest judicial authority of the Luftwaffe with regard to punishable acts committed by the soldiers under you in occupied territory?

GÖRING: As highest judicial authority I had all the bad cases referred to me and spent many hours examining them. That is why I attach particular importance to the highest legal counsel of the Air Force by being heard here on this point. In many cases I rescinded sentences because they were too mild, especially if it was a matter of rape. In these cases I always confirmed the death sentence which had been handed down by the court, unless an appeal for mercy was made by the injured party in exceptional cases. I thus confirmed the death sentence of a number of members of the Air Force who took part in the murder of inhabitants of the occupied territories in the East as well as in the West.

I do not wish to take up the time of the Tribunal by citing a number of detailed cases which would prove this. Beyond this I was the judicial authority with regard to such inhabitants of occupied territories as were brought before an Air Force court. For instance, when in France, Holland, or Russia or another country, the native civilian population had helped enemy fliers to escape, or had been guilty of acts of sabotage on airplanes, or had engaged in espionage in connection with the Air Force, that is to say, all punishable acts which had taken place in connection with the Air Force. The war situation demanded, of course, that in general we should enforce strict measures here.

I should like to say in this connection that death sentences were, of course, also duly pronounced by the courts on women. In all these cases involving women, during the entire war years, I did not once confirm with my signature a single death sentence on a woman, not even in the case of fatal attacks, or participation in such on members of my Luftwaffe; even in the most severe cases I did not fail to give a reprieve.

DR. STAHMER: In your military and economic measures in the occupied territories did you take into consideration whether these

measures were in keeping with the Hague Convention on land warfare?

GÖRING: I scanned through the regulations for land warfare of the Hague Convention for the first time just before the outbreak of the Polish conflict. As I read them at that time I regretted that I had not studied them much more thoroughly at an earlier date. If so I would have told the Führer that, in view of these Hague Convention regulations for land warfare, set down paragraph for paragraph, a modern war could not be waged under any circumstances. One would perforce come into conflict with conditions laid down in 1906 or 1907, because of the technological expansion of modern war. Either they would have to be cancelled, or else modern new viewpoints corresponding to technical developments would have to be introduced. My reasoning is as follows:

The regulations on land warfare of the Hague Convention, as they now existed, I had in my opinion studied quite correctly and logically as regulations for land warfare in 1907. But from 1939 to 1945 there was no longer merely land warfare but also air warfare, which had not been taken into consideration here and which in part created an entirely new situation, and changed the regulations on land warfare of the Hague Convention in many respects. But that is not so much the decisive point; rather, modern and total war develops, as I see it, along three lines: the war of weapons on land, at sea, and in the air; economic war, which has become an integral part of every modern war; and, third, propaganda war, which is also an essential part of this warfare.

If one recognizes these principles on the basis of logic, certain deviations will then result which, according to the letter, may be a violation of logic, but not according to the spirit. If the regulations on land warfare of the Hague Convention provide that weapons of the opponent are to be regarded as booty, as a matter of course, then I must say that today in a modern war the weapons of the opponent under certain circumstances have value only as scrap, but that economic goods however, raw materials, high grade steel, aluminum, copper, lead, and tin, seem and are much more essential as war booty than obsolete weapons which I might take from an opponent. But beyond that it is not only a matter of raw materials, no matter whose property they are. The regulations on land warfare of the Hague Convention provided at one point—I do not remember it now—that those things which are necessary can be confiscated, but against compensation, of course. That is also not the decisive factor, as one can readily believe. Decisive is, however, the fact that in this modern war, and in an economic war, which forms the basis for any further conduct of war, supplies, first of all food, must be regarded as absolutely necessary for war and must

be made available for use in war, and beyond that raw materials for industry. Moreover production plants and machinery are also part of economic warfare. If they have until now served the opponent—be they industries directly or indirectly contributing to armaments and the conduct of war—they must now also serve whoever has come into the possession of these means of production through military decision, even if only temporarily, during an armistice in occupied territories. In this connection the labor question naturally also plays a far greater role in economic war than it did in those former wars which served as examples in the regulations on land warfare of the Hague Convention. In 1907 the most recent wars, the Russo-Japanese War, and perhaps the English Boer War, which were, however, conducted under entirely different circumstances—wars which practically lay only one decade behind at that time—could serve as an example of warfare. A war at that time between one army and another, in which the population was more or less not involved, cannot be compared with today's total war, in which everyone, even the child, is drawn into the experience of war through the introduction of air warfare.

According to my opinion, manpower and thereby the workers and their use at the moment, are also an integral part of economic war. By that it is not meant that a worker should be so exploited that he suffers physical injury, but only that his labor should be fully used.

One of the witnesses mentioned recently what it means to be in an occupied territory where fighting is still going on, and where one remains for years, while one, two, three, four, or five new military age groups are growing up, and if they have no work in their home country . . .

THE PRESIDENT: Dr. Stahmer, is there any chance that the defendant will finish by tonight?

DR. STAHMER: This is the last question.

THE PRESIDENT: Please continue.

GÖRING: The question of the deportation of workers had therefore also to be regarded from this point of view of security. We were obliged to feed, as far as possible, the entire occupied territory. We also had to dispose of manpower and, at the same time had to consider the removal especially of those who had no work in their own country and represented a danger in the growth of the underground resistance arising against us.

If these age groups were drafted into Germany for work, it was because of basic considerations of security, in order that they should not be left idle in their own country—and thus be made available

for the work and the struggle against us—but should be used to our advantage in economic war.

Thirdly—I want to mention these things just very briefly—in conclusion, the war of propaganda. At one point in the Indictment it is also mentioned that we requisitioned radios, which is, to be sure, a matter of course. For the great importance in propaganda warfare enemy propaganda had, which extended by way of radio far into the hinterland, no one has felt more strongly than Germany. All the great dangers of underground movements, partisan war, the resistance movements and sabotage, and everything connected with it, and finally also in this war, this embitterment and this atmosphere, have been called forth to the extreme by this mutual fight over the radio.

Also whatever happened in the way of atrocities and similar acts, which should not be tolerated, are in the last analysis, if one thinks about it calmly, to be attributed primarily to the war of propaganda.

Therefore the regulations on land warfare of the Hague Convention are in my opinion not an instrument which can be used as a basis for a modern war, because they do not take into consideration the essential principles of this war; the war in the air, the economic war, and the war of propaganda.

And at this point I should like to say the same words which one of our greatest, most important, and toughest opponents, the British Prime Minister, Winston Churchill, used: "In the struggle for life and death there is in the end no legality."

THE PRESIDENT: The Court will adjourn.

[The Tribunal adjourned until 16 March 1946 at 1000 hours.]

EIGHTY-THIRD DAY

Saturday, 16 March 1946

Morning Session

DR. STAHMER: Mr. President, I have purposely deferred one single question and not yet dealt with it, that is, Göring's efforts to maintain peace in the months of July and August 1939, before the outbreak of the war. I have deferred the question for the following reasons: Originally, I had intended to call Göring to the witness stand only after the interrogation of the witness Dahlerus. But because Dahlerus had not yet arrived, and I wanted to avoid an interruption of the proceedings, I called Göring first.

I now ask for a decision as to whether I may call Göring back to the witness stand after the examination of the witness Dahlerus, who in the meantime has arrived—I consider it expedient in the interest of saving time, because in my opinion quite a number of questions would thereby become unnecessary—or, whether I may question him again on this point after the cross-examination. If that is not possible, I shall deal with this matter immediately. It seems to me advisable, however, to put this question after the examination of Dahlerus.

SIR DAVID MAXWELL-FYFE: Your Honor, I can help on this point. If the Tribunal could consider this application without its establishing a precedent for other cases, I should have no objection, because in the case of Dahlerus we are to understand that some one will have to go into the matter in detail as to the events that happened within the last fortnight. It might well mean a saving of time if that detail were gone into only once, and it would be rather difficult for Dr. Stahmer to examine the witness Dahlerus without going into the details. While I feel strongly with the Tribunal that a defendant should not be recalled except in the most exceptional circumstances, I think in this case it might conceivably bring about a shortening of time.

THE PRESIDENT: Do you mean that if the witness Dahlerus were called, it might obviate the necessity of calling the Defendant Göring in reference to those events?

SIR DAVID MAXWELL-FYFE: It might obviate that necessity, and it would in any case mean, I should think, that the Defendant Göring would have to answer only very few questions; but if it

were opened up now, it would be difficult to avoid both witnesses covering the same ground.

THE PRESIDENT: The Tribunal is only concerned with the saving of time, and as the Tribunal is informed by the defendant's counsel, Dr. Stahmer, that it may save time, the Tribunal is prepared to adopt that course, and to allow the witness Dahlerus to be called before these questions are put to the Defendant Göring; but it must not be taken as a precedent for the recalling of any other witnesses.

DR. STAHMER: Thank you, Sirs. Then I have no further questions to ask the defendant at this time.

DR. NELTE: The Prosecution, in their presentation, have frequently mentioned the Defendant Keitel in connection with orders, directives, and so forth. They were always quoted as Keitel orders, Keitel decrees, and upon this, the Prosecution have based, among other things, their indictment of the Defendant Keitel. I am anxious to clear up through questioning you what the position of Field Marshal Keitel was, what powers and what responsibility he had as Chief of the OKW or in other official functions. Are you familiar with the decree of 4 February 1938 by which the High Command of the Armed Forces, the OKW, was created and Field Marshal Keitel appointed Chief of the OKW?

GÖRING: Of course, I am familiar with that decree because I assisted in the making of the decree in that the Führer discussed with me the entire reshuffling of 8 February, and the resulting consequences and organizational changes of his entire staff.

DR. NELTE: Can you remember the diagram which was submitted by the Prosecution concerning the organization of the German Armed Forces?

GÖRING: Yes, I remember that it was here on the board.

DR. NELTE: I shall have it shown to you.

Do you think the OKW is placed correctly on this diagram?

GÖRING: No, it is not correct. It says on top, "Commander-in-Chief of the Armed Forces," then there is a line, and below it says "Chief of the High Command of the Armed Forces." From there, indicating a subordination, lines lead directly to the Commanders-in-Chief of the Army, the Navy, and the Air Force. That is wrong.

The High Command of the Armed Forces, and also the Chief of the High Command of the Armed Forces, should not be placed in that manner, but set separately to one side, that is to say, the three Commanders-in-Chief of the three branches of the Armed Forces were immediately subordinate to the Führer, as the Supreme

Commander of the Armed Forces, and in no subordination whatsoever to the High Command of the Armed Forces, or to the Chief of the High Command of the Armed Forces.

The Führer at that time, in February, reorganized his entire staff, for he had in his capacity as head of State the State Chancellery. He made Meissner, who was then State Secretary, State Minister, and established the State Chancellery as his administrative office. Thus he, in collaboration with the records department of the Foreign Office, was in charge of matters that concerned only the head of State. In his capacity as Reich Chancellor and chief of the Government, he ruled that his administrative organism should be the Reich Chancellery, and the State Secretary of the Reich Chancellery became on the same day Reich Minister and Chief of the Reich Chancellery. It was the function of this office to maintain liaison with the ministries and the entire machinery of the government of the Reich. The function of this minister as an organ of the Führer, was not the issuing, but the execution of the Führer's orders and decrees.

Thirdly, the Führer, as leader of the Party, had the Party Chancellery of which the Deputy of the Führer, Rudolf Hess, was in charge at that time and occupied a high position within that organization. After his leaving, Bormann did not become Deputy of the Führer but Chief of the Party Chancellery.

Fourthly, there was the Private Chancellery of the Führer, with a Reichsleiter as Chief.

For military matters, as his military cabinet or military staff—or as it used to be known in former years, the "Maison Militaire"—the High Command of the Armed Forces was formed.

This reorganization was necessary, because after the retirement of Blomberg as Minister of War, no new Minister of War had been appointed, and the Führer, since as head of State he was in any case Commander-in-Chief of the Armed Forces, was now determined not only formally to be this Commander-in-Chief of the Armed Forces, but to execute that function in fact. In consequence, he now needed a staff organization. This was to be the High Command of the Armed Forces, and Keitel became Chief of the High Command of the Armed Forces.

In Germany the word "chief" in the military sense has a different meaning from "commander-in-chief." The responsibility and right to issue orders rest with the commander or the commander-in-chief. The assistant in staff administration, in the working out, administering, and transmitting of orders, and in maintaining liaison, is the actual chief of the respective staff. Thus, the former Colonel General Keitel, or General Keitel, was Chief of Staff of the military staff of the Commander-in-Chief, called the High Command of the Armed

Forces. On the one hand, he had charge of the entire machinery of the staff of the Commander-in-Chief, as far as military organizational and technical matters, and military direction, that is to say, strategy, were concerned, to the extent that the Führer wanted to have his strategic orders administered from a central point. For this there was estabished in the High Command as a purely general staff, strategic department, the Supreme General Staff.

DR. NELTE: If I understand you correctly, OKW is translated as High Command of the Armed Forces, but this apparently has been used in different ways, at one time as the Staff of the High Command of the Armed Forces—as, for example, when Keitel was called the Chief of the OKW—and at another time, as the OKW Office of the High Command of the Armed Forces, in other words, Hitler. Is that right?

GÖRING: That is correct as such, but not very clear. The High Command of the Armed Forces is the staff of the Supreme Commander of the Armed Forces, in the same way that I, as Commander-in-Chief of the Air Force had my General Staff on one hand, and my chief adjutant's office on the other—these formed the staff with which I worked. The High Command constituted for the Führer, as Supreme Commander a similar organization. The chief of my General Staff likewise could give no direct orders to the commanders of the air fleets, commanding generals of air corps or divisions. The orders could only be issued "By command of the Commander-in-Chief," signed "I.A.," that is to say, "Im Auftrag (by order)."

The chief of a staff, therefore, even the Chief of the High Command of the Armed Forces, had no command function except to the members of his immediate office and the few administrative organizations connected with that staff. An order, command, or directive from the High Command of the Armed Forces, for instance, to me as Commander-in-Chief of the Air Force, was only possible when the instruction began in the following form: "The Führer has ordered . . ." or, "By command of the Führer, I hereby inform you . . ."

May I express myself quite emphatically: At one time I told Colonel General Keitel, "I am bound only by orders of the Führer. Only orders in the original and signed by Adolf Hitler are presented to me personally. Instructions, directives or orders which start 'By command of the Führer,' or 'By order of the Führer' go to my chief of staff who gives me an oral report indicating the most important points. Whether then—to put it bluntly—they are signed, 'By command of the Führer: Keitel, Colonel General,' or 'Meier, Stabsgefreiter', makes no difference to me. But if they constitute a direct command from you, an order, which you want to give me, then save yourself time and paper because both are meaningless

to me. I am Commander-in-Chief of the Air Force, and immediately and exclusively subordinate to the Führer."

DR. NELTE: Do you know whether Hitler, on the one hand, and the commanders-in-chief of the branches of the Armed Forces, on the other, observed these command functions described by you, or whether in other branches of the Armed Forces the actual procedure was, perhaps, different?

GÖRING: Whether my two colleagues made it as clear to the Chief of the High Command as I did, I cannot say; but that the two other commanders-in-chief did not permit any interference with their rights and prerogatives is obvious.

DR. NELTE: Does the same apply to Himmler as Chief of the SS?

GÖRING: The SS was never subordinate to the High Command of the Armed Forces. Within the Armed Forces there was, from the beginning of the war, the Waffen-SS, divided into divisions and corps. That was purely a combat unit. Tactically and strategically it was subordinate to those units of the Army to which it was assigned; in the matter of personnel and development, it was subordinate to Himmler; and he had nothing to do with the OKW. Here it might happen that the Chief of the High Command of the Armed Forces, in questions of armament and organization of the Waffen-SS, transmitted orders or decrees of the Führer.

On this occasion I should like to correct an error which was made during Justice Jackson's examination of Field Marshal Kesselring. Field Marshal Kesselring spoke of the Waffen-SS, as "Garde Truppe." Then he was asked, "Whom did it have to guard?" In applying the word "Garde" we do not employ it as it has been translated, as "guard," meaning sentries, but, as Field Marshal Kesselring intended, a "picked troop"; just as in the Russian military language there is a "Garde Korps," and in the old Imperial Army there was a "Garde Korps," and also formerly in other armies. The Waffen-SS during the first years of the war was not to be regarded as a guard unit, but as a "picked unit" as far as personnel, *et cetera,* was concerned.

DR. NELTE: I would like to ask you to say something about the official relationship between Adolf Hitler and Field Marshal Keitel; that is to say, what official relations had Adolf Hitler in mind when he established the office of the OKW? I mean, I should like to know what Keitel was supposed to be and what, subsequently, his official functions actually were after 1938?

GÖRING: I think that is just what I have been explaining.

DR. NELTE: I wanted to ask you, for instance, was he Hitler's adviser?

GÖRING: Adviser is a debatable expression. I can let somebody advise me as to whether or not he thinks it will rain during the coming 3 hours, when I am riding; but I can also have someone advise me in very important and decisive questions. That depends on the temperament and the attitude of the person who wants to be advised, and the one who wishes to advise.

With the dynamic personality of the Führer, unsolicited advice was not in order, and one had to be on very good terms with him. That is to say, one had to have great influence, as I had—and I ask you to understand me correctly—as I had beyond doubt for many years, in order to come to him unsolicited, not only with advice, but also with suggestions or even persistent contradictions. On the other hand, if one were not on these terms with the Führer, suggestions and advice were curtly brushed aside whenever he had once made his decisions, or if he would not allow the would-be adviser to attain that influence or that influential position. Here I wish to say that the Chief of the High Command of the Armed Forces, in important and decisive questions certainly was no adviser. In current, everyday affairs, he was an adviser insofar as he may have suggested to the Führer here and there that this or that should be said to the commanders, or that in regard to the movement of troops this or that should be pointed out. After all, advice from the chief of a general staff is still more important than advice from the chief of an organization or a state office. It was this way: In the sphere of important strategic and tactical decisions the chief responsibility lay with the adviser on the General Staff, the commanders-in-chief, the Chief of Staff, and the Führer; in matters of pure strategy and tactics, more with the chief of the Armed Forces Operations Staff; organizational questions or current developments of the day, with the Chief of the High Command. Because the Führer himself, as I said before, held several of the highest offices, he had to limit his signatures. It often took weeks until one could obtain the necessary signature from the Führer, especially during the war when he had a tremendous amount of work, so that the secretaries of the respectives state offices were authorized to sign "by order." This explains why there was hardly any decree or order issued by the Führer, that went out signed "By order of" or "By command of the Führer," which was not signed by Keitel, who was very industrious.

DR. NELTE: Wasn't it a very thankless task that Field Marshal Keitel had, I mean, thankless insofar as he frequently was in the position of having to mediate between the various offices which were subordinated to the Supreme Commander, namely Hitler; to submit their grievances to him, and to exert himself on behalf of the two parties, helping here and restraining there?

GÖRING: That again depended very much on the personalities. It goes without saying that if it came to a clash between the Führer and myself, or other determined commanders-in-chief, the Chief of the High Command of the Armed Forces was, I may say, trodden on by both sides. He came between the millstones of stronger personalities; the one protested that in speaking to the Führer he had not exerted enough pressure; the Führer, when Keitel made presentations, turned a deaf ear and said he would settle matters himself.

The task was certainly a very thankless one and a difficult one. I remember that once Field Marshal Keitel approached me and asked me whether I could not arrange for him to be given a front-line command; that he would be satisfied, though a Field Marshal, with one division if he could only get away, because he was getting more kicks than ha'pence. Whether the task was thankless or appreciated was all the same, I answered him; he had to do his duty where the Führer ordered it.

DR. NELTE: Are you aware that in this connection Field Marshal Keitel was reproached with not being able to assert himself, as they say, with the Führer?

GÖRING: This reproach was made against him by quite a number of commanders-in-chief of armies and army groups. It was easy for them to make that reproach because they were out of range of Adolf Hitler, and did not have to submit any proposals themselves. I know that, especially after the collapse, quite a number of generals adopted the point of view that Keitel had been a typical "yes-man." I can only say I personally should be interested if I could see those who today consider themselves "no-men."

DR. NELTE: Was there ever, as far as Hitler was concerned, any possibility of Field Marshal Keitel getting a release from his office?

THE PRESIDENT: Dr. Nelte, the Tribunal does not think—at least we should like to ask you—what relevance does the gossip of the General Staff or any reproaches which may have been raised against him by it have to the charges against Keitel? What has that to do with the charges against Keitel?

DR. NELTE: If one wants to do justice to the Defendant Keitel, that is to say, if one wants to try to establish what role he has played in this terrible tragedy, then that is only possible if one establishes clearly what his function was, and thereby what his legal responsibility was; and then, if one takes the tactical conditions into consideration . . .

THE PRESIDENT: I know that perfectly well and we have spent three-quarters of an hour in hearing the Defendant Göring describe what his relationship was and what Keitel's function was. What I

asked you was what this had to do with the case, the criticisms or gossip of the General Staff about Keitel? I say we have spent three-quarters of an hour in hearing what the Defendant Göring says his function was, and what his relationships with the Führer were, and nothing else.

DR. NELTE: I began with the organization of the OKW. I wanted to determine the chain of command between the OKW and the Chief of the OKW, on the one hand, and the branches of the Armed Forces, on the other; and then I have tried to clarify the responsibilities which, as Chief of the OKW, he was to have, according to Hitler's wishes, and how he carried these out.

The gossip, Mr. President, was only, I believe, a subject for a few minutes during the examination of the witness.

THE PRESIDENT: My interruption was made because you asked the defendant a question about somebody being reproached for something or other by the members of the General Staff, and that seems to me to be totally irrelevant.

DR. NELTE: The last question which I put was whether there had been any possibility of Field Marshal Keitel's obtaining a release from his position. May I assume, Mr. President, that this question is relevant?

THE PRESIDENT: You may certainly ask that question as to whether he asked to be relieved of his command. As a matter of fact, Dr. Nelte, that question was asked before, the question at which I interrupted you; and I have the answer written down, that Keitel asked for a command, even if only of a division.

DR. NELTE: That was the question which he put to Reich Marshal Göring. He came to him, Göring, and put the question to him. Now I want to ask whether there existed any possibility of Keitel's obtaining a release from his position from Hitler?

GÖRING: The question whether a general could ask for and obtain his release from the Führer has played an important role in these proceedings generally. Actually, one has to make a distinction between two phases, peace and war.

In times of peace a general could ask for his release. Unless he was in a prominent and definitely important position, and very well known to the Führer, such a request for release was granted without question. If he was in an especially important position and well known to the Führer, then, using all his persuasive powers, with all the means at his disposal the Führer appealed to him to remain at his post. If, however, a general had asked the Führer for his release and had given as a reason that in principle he was of a different political opinion, either domestic or foreign, then without doubt he was retired, even if not on that very day. But at the same time it would

have given rise to an extraordinary suspicion on the part of the Führer concerning the person.

During the war, the matter was entirely different. The general, like every soldier, was obliged to do his duty, to obey orders. The Führer had issued the statement that he wanted no requests for release, neither from generals nor any other important state personalities. He himself would decide if a person were to resign or not. He himself could not resign if things became unpleasant now, he considered that desertion.

If, in spite of this, a general submitted a request for release in wartime and this was refused, he certainly could not insist upon it. If he resigned notwithstanding, he violated the law and from that moment was guilty of desertion.

Field Marshal Keitel might have asked the Führer, "Have me transferred to a different office." But the Führer disliked exceedingly to make any changes in his immediate circle; and during the war—that I know from his own words—he would not have agreed to a change, particularly with regard to Field Marshal Keitel with whom he was used to working, unless the Field Marshal had become ill and thereby really unable to continue his duties.

DR. NELTE: Were these considerations of which you have just spoken likewise the determining factor in the retirement of Field Marshal Von Brauchitsch?

GÖRING: The case of Field Marshal Von Brauchitsch's retirement is very well known to me, because the Führer had discussed it at length with me beforehand; for at first he was not decided whether he or someone else should take over the command of the Army. Thus we discussed who should succeed, and so forth. At that moment the Führer was not satisfied with the direction of the Army by the commander-in-chief of the Eastern Front. The commander-in-chief was Brauchitsch; the chief of the Army General Staff was Halder. I suggested to the Führer that he change the chief of the Army General Staff, because I thought he was by far the less capable. The Führer wanted to do that. Then the next morning he had made up his mind and told me that he, the Führer, would himself assume this command to bring about order on the Eastern Front, and that therefore it was more important for him to retire the Commander-in-Chief, although he agreed with me that the Chief of Staff was the weaker one. Then I suggested that both be dismissed.

The Führer called Brauchitsch, talked with him for 2 hours and requested him in a clear way, that is in a way that could not be misunderstood, to resign.

Thus, in this case, a clear decision was made by the Führer to dismiss the Commander-in-Chief of the Army in order to assume

personally the command of the Army. From that time on, the Führer was not only Supreme Commander of the Armed Forces but also *de facto* Commander-in-Chief of the Army.

DR. NELTE: The Prosecution has stated and has produced evidence that Field Marshal Keitel was a member of the Reich Defense Council. You spoke of this question yesterday. And I can now state that you said that Field Marshal Keitel was a member of the Reich Defense Council according to the Reich Defense Law, but that this Reich Defense Council was never constituted. You ought to know that because you were, according to that law, chairman of that Reich Defense Council. Is that correct?

GÖRING: I have stated clearly that I never attended a meeting, or called a meeting.

THE PRESIDENT: You know, do you not, that the Tribunal is directed to hold an expeditious trial and for that reason they are not going to hear cumulative evidence? The defendant has already given us an answer to the question you have just put to him. The Tribunal do not wish to hear the same answer again.

DR. NELTE: I have not seen yesterday's transcript yet, and it is of great importance for the Defendant Keitel . . .

THE PRESIDENT: You were in court and you can take it from me that the answer was given.

DR. NELTE: The questions and the answers are not always as clear as they may seem on reading the transcript.

[Turning to the witness.] Can you tell me whether Field Marshal Keitel ever was a minister?

GÖRING: He was not a minister. He had only the assimilated rank of a minister.

DR. NELTE: Was he entitled to participate in Cabinet meetings?

GÖRING: Not by virtue of his positions; but, concerning questions of interest to him which pertained to his work, he could be invited by the Führer to attend Cabinet meetings.

DR. NELTE: Keitel was a member of the Ministerial Council for the Defense of the Reich. Did that make him a minister?

GÖRING: No, he remained the same. He had only the rank of a minister. Field Marshal Keitel could not attend Cabinet meetings of the Reich Cabinet because he became Chief of the High Command only in 1938, and from that time on no Cabinet meetings took place.

DR. NELTE: The Prosecution have also asserted that there was a triumvirate, consisting of the Plenipotentiary General for Economy,

the Plenipotentiary General for Administration, and the Chief of the OKW. Can you tell us something about that?

GÖRING: I know nothing about that.

DR. NELTE: The Prosecution have accused Field Marshal Keitel of having been a political general. Do you know anything about that?

GÖRING: The generals in the Third Reich had no right whatsoever to participate in any political activity. The only exception in this respect was myself—and that was due to the peculiar nature of my position, for I was at the same time a soldier, a general, and on the other hand, in politics, a politician. The other generals, as the Führer always very clearly pointed out, had nothing to do with politics.

The general who always most interested himself in politics was the late Field Marshal Von Reichenau. That was the reason the Führer, in spite of his personal sympathies and the strongly positive attitude of Reichenau toward the Nazi Party, refused to make him Commander-in-Chief of the Army after the resignation of Fritsch; the Führer did not want any political generals.

DR. NELTE: But it cannot be denied that in the so-called decrees often the political objective was made known, and that such decrees and orders were signed by Keitel.

GÖRING: Decrees were principally Führer decrees, because they contained broad directives. The preamble of an important decree very commonly was the political premise which explained why the Führer had decided on this or that military measure. But that has nothing to do with a general being political.

DR. NELTE: The Prosecution have frequently mentioned that the Defendant Keitel was present at state receptions, such as that accorded Hacha, and at other ministerial receptions; from that they have tried to deduce that he was a political general.

GÖRING: When the Führer, as head of State, received foreign missions, heads of states, or chiefs of governments, it was customary for the chiefs of his most important offices to be present; the Chief of the State Chancellery, frequently of the Reich Chancellery, depending on who came; and the Chief of the High Command, since, in the conferences, questions might come up for which the Führer would need military information of some kind. And then, of course, there was also a certain amount of ceremony involved. Whenever I had important visitors, my military staff, or a representative of the staff, were also with me.

DR. NELTE: May I say then that Field Marshal Keitel was present at, but did not participate in, the conferences?

GÖRING: If he participated, it was not at any rate of any consequence.

DR. NELTE: The Prosecution stated that, on the occasion of the visit of President Hacha, the Defendant Keitel exerted pressure on President Hacha by threatening to bomb Prague.

GÖRING: I said yesterday that I made that statement.

DR. NELTE: I just wanted to establish it.

Now I should like further to question you concerning the terror-fliers. Do you remember that about the middle of June 1944, when negotiations on this question took place among the various departments, you were waiting at the Platterhof with Field Marshal Keitel for Hitler, and discussed this question there?

GÖRING: I cannot say whether that was at the Platterhof. At any rate, I talked with the Field Marshal many times on the subject.

DR. NELTE: It is important in this connection to establish whether the Defendant Keitel approached you on this question and stated to you that he was against the idea of lynch law, which was advocated by the Party.

GÖRING: He said that several times. We were in agreement on this.

DR. NELTE: Did the Defendant Keitel at that time also state to you that he was in favor of an official warning or a note to the Allied Governments—in respect to the well-known Dieppe case—rather than separate court-martial proceedings without legal evidence?

GÖRING: I think we had frequent discussions on this point. I advocated that in the case of pure terror-fliers—that is to say, those who violated the orders of their own superiors—there should be legal proceedings. Keitel said it would be hard to differentiate, and to carry this out. It would be more practical to send a note to the Allies to the effect that if it were not stopped, measures would have to be taken. The view that this course should be adopted was also advocated in other quarters.

DR. NELTE: Mr. President, when submitting my applications for evidence, I proposed, among other things, a characterization of Field Marshal Keitel given to me by Göring. In the session of 25 February an agreement was reached with the Prosecution that this characterization, which is in the form of an affidavit, might be submitted in the presence of the witness, that is, Göring. Am I now permitted to read you this characterization, of which you have already received the original, or may I refer to it as evidence and merely put it in? I ask this question because a part of the description which is contained in the affidavit has already been given by this witness in this interrogation.

THE PRESIDENT: What is the document that you are referring to? What is the origin of it? Is it a document drawn up by the Defendant Göring?

DR. NELTE: It is an affidavit signed by Göring, entitled, "Characteristics of Field Marshal Wilhelm Keitel." It is referred to in my applications as an affidavit. Much of what is contained in it has already been said by Reich Marshal Göring.

THE PRESIDENT: The Defendant Göring is giving evidence under oath. Therefore, nothing in the shape of an affidavit ought to be put in. If you have any questions to ask him which he has not already answered, about the Defendant Keitel, you may ask them now. It is inappropriate to put in a written, sworn statement when you have a defendant giving evidence under oath.

DR. NELTE: In the session of 25 February 1946 this was approved, for the reason that it would shorten the proceedings if an affidavit were to be read and the witness were then to state: "That is correct." I have a copy here of the transcript of that session, should the Tribunal not recall.

MR. JUSTICE JACKSON: May it please the Tribunal, I should not care to object to this upon the ground that it is written, because I think there are occasions when the writing out of the testimony of a witness might be more expeditious than their examination.

I object to it on the ground that it does not get us anywhere when you include it. It starts off: "Keitel gives the impression of a military man, an officer of the old school." That is not testimony that gets us anywhere. I admit that statement; he always impressed me that way. His philosophy is dominated in the main by militaristic ideas and concepts.

Let Keitel give us a description of himself, if we must have one. I think an examination of this affidavit will show that it consists of matter that has been covered, or of matter on which another witness never ought to be interrogated. I object to it upon the ground that it has no probative value.

THE PRESIDENT: As you are aware, Dr. Nelte, any decision which the Tribunal made about documents was expressly made provisionally and with the condition that the decision about the relevancy of the document should be made when the document was produced. If the document had been produced before the Tribunal, they would have been able to look at it. They have not seen the document.

The document appears, as Mr. Justice Jackson says, to be not a document which has any evidential value at all, and as the defendant is at present giving evidence under oath, the Tribunal will not look at the document.

DR. NELTE: Mr. President, as the Tribunal have examined this document and found that it is irrelevant, I accept that decision. But it seems to me that the Tribunal . . .

THE PRESIDENT: We are not preventing you from asking any questions of the witness which may be relevant, but we do not desire to read another document from the same person who is giving testimony.

DR. NELTE: I shall omit this affidavit.

DR. THOMA: Rosenberg was chief of the Office of Foreign Affairs of the NSDAP until 1940. Did he in this capacity, or otherwise personally, have an influence on Hitler's decisions concerning foreign policy?

GÖRING: I believe that the Party's Central Department for Foreign Policy after the seizure of power was never once consulted by the Führer on questions of foreign policy. It was established earlier only so that certain questions on foreign policy which arose within the Party could be dealt with centrally. I am not informed in detail about the methods of that office. As far as I know Rosenberg was certainly not consulted on questions of foreign policy after the accession to power.

DR. THOMA: Therefore, you do not know any details as to whether Rosenberg had a certain influence on Hitler in the Norwegian question?

GÖRING: That I do not know. I stated yesterday what I know concerning the question of Quisling and also of Rosenberg.

DR. THOMA: When you were Prime Minister did Rosenberg become conspicuous to you as advocating the political or police persecution of the Church?

GÖRING: He could not advocate the persecution of the Church by the police, because he had nothing to do with the police, and I would not have permitted any interference by him.

DR. THOMA: Do you know whether Rosenberg urged you to evacuate the Jews to Lublin, among other places?

GÖRING: Rosenberg did not speak to me about that.

DR. THOMA: Did Hitler express to you his satisfaction that Rosenberg had not raised any objection to the Non-Aggression Pact with the Soviet Union, concluded at that time?

GÖRING: One cannot exactly say that Hitler expressed his satisfaction. If Rosenberg had raised any objection, Hitler would probably have expressed his dissatisfaction in a very unmistakable manner; but he did state that Rosenberg, too, had apparently understood this political step.

DR. THOMA: Did Rosenberg, as Minister for the Occupied Eastern Territories, have any influence on the allocation of labor? Was he in a specific position to prevent the employment of the eastern peoples?

GÖRING: A certain co-operation with regard to the employment program must have existed between the offices of Rosenberg and Sauckel, but certainly not in the sense that Rosenberg could have prohibited the recruiting of eastern workers in contradiction to the Führer's order.

DR. THOMA: It is known to you that Rosenberg repeatedly made representations to the Führer on behalf of a cultural betterment of the eastern European peoples, especially the Ukrainians?

GÖRING: I was present once when Rosenberg spoke about the varying treatment of the Occupied Eastern Territories, of the peoples living there, and their cultural care. As far as I can recall—or better said—I especially recall that the conversation dealt with the establishment or the continuation of a university in Kiev. The Führer agreed with him in his presence, I believe, but when he had gone, the Führer said to me: "That man, too, has his particular worries. We have more important things to take care of now than universities in Kiev." That I do remember.

THE PRESIDENT: Perhaps we had better adjourn now for 10 minutes.

[A recess was taken.]

THE PRESIDENT: Dr. Sauter; one moment. I want to speak to Dr. Nelte first.

Dr. Nelte, in view of your application with reference to this document which is called "Characteristics of General Field Marshal Wilhelm Keitel," the Tribunal have investigated that matter and have referred to Page 4987 of the shorthand notes (Volume VIII, Page 233), which possibly you may have had in mind; but you seem to have failed to notice that this very document, "Characteristics of Keitel," was denied in the order of the Tribunal in Paragraph 2, which contains the decision of the Tribunal after the argument in court, and which is set out on that page of the shorthand notes to which I have referred. Therefore, in the opinion of the Tribunal you have no right to offer that document which the Tribunal have already denied.

DR. NELTE: Mr. President, I have not the entire notes of the session before me. But I know that this affidavit was refused with the explanation that, in case the witness can be called, an affidavit is not to be submitted, and that is the case here.

Thereupon, Sir David Maxwell-Fyfe, in quoting this particular document number of my document book, stated the following: "The

Tribunal may perhaps remember that in the case of the witness Dr. Blaha, my friend, Mr. Dodd, adopted the practice of asking the witness.... " And this affidavit belongs to this document.

THE PRESIDENT: Dr. Nelte, I am quite aware of that and I have already referred you to the exact page of the transcript which I have consulted. But defendants' counsel must be perfectly well aware that the Tribunal have given no decision in open court upon these applications for witnesses and documents, and the Tribunal made it perfectly clear that they would afterwards consider the applications that had been made. In each case a written order, which was perfectly clear, has been issued to the defendants' counsel, setting out the witnesses who are allowed, the witnesses who are denied, interrogatories that are allowed, and the interrogatories that are denied, the documents that were allowed and the documents which had been denied. In Paragraph 2 of the order is "The Characteristics of Keitel." Therefore, in the opinion of the Tribunal that document should never have been offered. That is all.

DR. NELTE: I tried to explain why I assumed that, in spite of the refusal of the affidavit, the material of the affidavit could be used in the interrogation of the witness.

DR. FRITZ SAUTER (Counsel for Defendants Funk and Schirach): I request permission to put the following questions, on behalf of the Defendant Funk.

[Turning to the witness.] The Defendant Funk joined the Party in the summer of 1931. At that time, as you know, he was the editor-in-chief of the *Berliner Börsenzeitung.* Is it known to you that in this capacity he enjoyed a particular prestige with the press and in German economic circles?

GÖRING: I know that at that time Funk and his economic articles in the *Börsenzeitung* were highly thought of and that he had many connections in economic circles.

DR. SAUTER: We have heard that the Defendant Funk is accused of having promoted the coming to power of the Party through his activities, and I would be interested in hearing from you whether Funk, before the coming to power of the Party, played any role whatsoever in the Party; or is it correct to say that after resigning as editor-in-chief of the *Berliner Börsenzeitung* he brought out a so-called economic-political information service, not for the Party but for all economic circles, including the German People's Party?

GÖRING: May I request that the question be put perhaps more precisely; this is a whole narration. But I can reply briefly. Before the seizure of power I was acquainted only with Funk's activity as editor of the *Börsenzeitung,* which I have already mentioned. And as such I heard him repeatedly mentioned in economic circles. Only

after the seizure did I hear at all of Funk's having been in the Party and of his relationship with it. Thus, his Party activity could not have been of such tremendous significance or he would have come to my attention in some way. So far as his information service is concerned, whether he favored the Democrats or the People's Party, I know nothing about that.

DR. SAUTER: Then after the seizure of power, Funk became Press Chief of the Reich Government. That is known to you?

GÖRING: Yes.

DR. SAUTER: Then subsequently he became State Secretary in the Reich Propaganda Ministry. That is also known to you?

GÖRING: Yes.

DR. SAUTER: Now I would be interested to know what his work was as Press Chief of the Reich Government. Had Funk in this work any influence on the decisions of the Reich Cabinet?

GÖRING: I am well acquainted with the circumstances of Funk's appointment as Reich Press Chief. After the Reich Cabinet had been sworn in, the new Reich Press Chief was to be appointed. We were in a room of the Kaiserhof Hotel, and the Führer did not want anyone from the press organization who was a full Party member, but someone who had had some previous press experience yet had not been so prominent in the Party or bound to it. I do not know exactly who mentioned the name of Funk. But I do know that he then said, "Good!"

Funk was summoned, and I believe that it was a great surprise for him. I had that impression. The Reich Press Chief had at the time, when Hindenburg was still Reich President . . .

[There was a pause in the proceedings.]

THE PRESIDENT: You may go on now.

DR. SAUTER: I would like to repeat the question because it was not coming through. My question was to this effect: At the time that the Defendant Funk was Press Chief in the Reich Government, that is, after the seizure of power, had he any influence at all on the decisions of the Reich Cabinet?

GÖRING: The Reich Press Chief had no influence of any sort on the decisions of the Reich Cabinet, for his task was of a different nature.

DR. SAUTER: Then Funk became State Secretary in the Propaganda Ministry. Here I am interested to know from you whether he, while exercising this office, was prominent in any way so far as propaganda or press policies were concerned and what his tasks were at that time in the ministry, according to your knowledge of the conditions?

GÖRING: He became State Secretary because the Propaganda Ministry took over as its main function the press and the handling of press matters. Purely propaganda activities were carried on from the beginning by Goebbels himself, who was at the same time Propaganda Chief of the Party. Funk was appointed chiefly to organize the ministry as such, and in particular to handle economic matters of the press, that is, the acquisition of press organs, by purchase, subsidy, *et cetera*. His specialized knowledge was mainly utilized in this field.

DR. SAUTER: Then, when Dr. Schacht retired from his offices in November 1937, Funk became his successor as Reich Minister for Economics. The appointment took place in November 1937, but he took over the Ministry only in February 1938. Can you tell us why that was so, and who directed the Ministry of Economics in the interim?

GÖRING: In discussing the Four Year Plan I explained that after the resignation of Schacht, I personally directed the Ministry from November 1937 to February 1938, as far as I remember, although Funk had already been designated. I did this in order to integrate again into the Ministry of Economics the economic agencies outside the Ministry which were involved in the Four Year Plan. By freeing myself of this burden I was able to administer my directives with the Ministry as such.

DR. SAUTER: A similar situation seems to have existed for the Plenipotentiary General for Economics, Dr. Schacht, if I may again point this out, retired from this office at the same time as from the Ministry of Economics, in November 1937. Funk was appointed his successor, as Plenipotentiary for Economics, however, only in 1938. What is the reason for that?

GÖRING: He was appointed Plenipotentiary General only in 1938 due to the fact that it was only in 1938 that he actually took over the Ministry of Economics. According to an old regulation, the Plenipotentiary General for Economics was identical with the Reich Minister of Economics. But at this time, during the last part of Schacht's term of office, that was just a matter of form, as I have already said; for I explained that from the minute when I actually took over the Four Year Plan, I personally was *de facto* the Plenipotentiary General for Economics.

I suggested that this office be abolished, but, as is often the case, some things remain purely for reasons of prestige, things which no longer have any real significance. The Delegate for the Four Year Plan was the sole Plenipotentiary General for the entire German economy. Since there could not be two such men, the other existed only on paper.

DR. SAUTER: The consequence was, if I may draw this conclusion—and I ask you to reply to this—that Dr. Funk in his capacity of Plenipotentiary General for Economics as well as President of the Reich Bank was entirely subordinate to your directives as head of the Four Year Plan. Is that correct?

GÖRING: Naturally, according to the plenary powers that were given me, he had to comply with my economic directives as far as the Ministry of Economics and the Reich Bank were concerned. That was a reason for the change, because I could not follow this procedure with Schacht, but from the beginning, Funk adopted an irreproachable attitude toward me in this respect. The directions or the economic policy which the Reich Minister of Economics and Reich Bank President Funk carried out are fully and entirely my exclusive responsibility.

DR. SAUTER: Perhaps you remember a birthday letter which the Defendant Funk wrote to Hitler about a week before the Polish campaign, I believe on 25 August, in which he thanked the Führer for something or other. In this letter Funk stated that he had prepared and executed certain measures which, in the case of a war, would be necessary in the field of civilian economy and finance. You will remember this letter, and it has been read already.

GÖRING: Yes.

DR. SAUTER: Do you remember when you gave Funk these special duties? The letter is dated, I believe 25 August 1939, if I may mention this again. And when did you give this task and these directions to the Defendant Funk?

GÖRING: Just as military mobilization, or rather mobilization preparations have to be kept up to date and have to keep pace with the political situation—whether it be tense or relaxed, or when it changes—economic matters also, as I mentioned in my concluding remarks yesterday, have to keep pace in the same way.

Thus, I ordered thorough preparations for mobilization in this field also. In the matters of foreign exchange and finance it was the duty of the president of the Reich Bank, as of the Reich Economics Ministry, in economic matters to make all preparations which would put me in the position, in the event of war, of having the utmost security for the German people in the economic field as well. At what time exactly I ordered this I cannot tell you, for it was a general basic directive which was always in effect.

DR. SAUTER: What powers did Funk have in the issuing of regulations, *et cetera,* for the economic administration in the occupied territories?

GÖRING: I can no longer remember in detail now. The general directive he received from me. How far and to whom he,

proceeding from this directive, issued departmental instructions in his special field in the occupied territory, I cannot say in detail; but they always resulted from my personal responsibility.

DR. SAUTER: Is it correct that the Four Year Plan in the occupied territories had special plenipotentiaries and departments, to the exclusion of Funk, for carrying out your directives?

GÖRING: In some areas of the occupied territory this was the case. In other areas I made use of the departments existing there; and if I considered it necessary I gave directives to the Economics Ministry also to have this or that done with regard to the occupied territories.

DR. SAUTER: Then during the war the Ministry of Armaments was created, I believe in the spring of 1940. Is it correct that in the course of the war to an ever increasing degree, the authority of the Reich Ministry of Economics and, in the end, the entire civilian production also were transferred to that ministry, so that finally the Ministry of Economics remained as a commerce ministry only?

GÖRING: At my suggestion, my urgent suggestion, the Führer created a Ministry of Munitions under the then Minister Todt. This strictly munitions ministry became, in the course of further developments, the Armaments Ministry under Minister Speer, and gradually more and more tasks were transferred to it. As armament was the focus of the whole economy and everything else in economy had to be brought exclusively into this focus, a number of tasks of the Ministry of Economics were transferred to the Ministry of Armaments, in particular the whole of production. It is correct that in the end the Ministry of Economics, by and large, was left a hollow shell retaining only very subordinate departments.

DR. SAUTER: Now, I have a final question regarding the Defendant Funk. It is a question in connection with the matter of the Central Planning Board, that is, concerning the matter of foreign workers. I would be interested to learn whether you know, Witness, that Funk was called to attend the meetings of this Central Planning Board for the first time at the end of November 1943, and never before that time? Is that known to you?

GÖRING: I know of the Central Planning Board. I never interfered in their internal matters. I cannot state exactly when Funk was called to this board. With the recruiting of foreign workers, however, he had nothing to do.

DR. SAUTER: Mr. President, if you will permit me, I have a few brief questions on behalf of the Defendant Schirach.

[Turning to the witness.] Do you know whether the so-called "Flying HJ," a subdivision of the Hitler Youth, ever received flying training?

GÖRING: The Flying HJ pursued the sport of gliding exclusively. After this training was completed, these men were taken into the National Socialist Flier Corps, the former Reich Air Sports League, and there continued their training in aircraft flying.

DR. SAUTER: Then another question: Did any conferences take place between you and the Defendant Schirach, especially while he was Reich Youth Leader, which were concerned with the question of military training, or pre-military training of youth in flying? Did such conferences take place or not?

GÖRING: Whether we discussed these matters occasionally I do not know. There was no need for official conferences, because the situation was entirely clear. The Flying Hitler Youth were interested in gliding, and after they had received preliminary training they were taken into the flying corps.

DR. SAUTER: Do you recall the chart we were shown on the wall representing the organization of the Reich Cabinet? In the lower part, below the remark "other participants in Cabinet meetings," this chart showed the name of the Defendant Schirach along with Bohle, Popitz, Dietrich, and Gerecke. For that reason I would like now to put the following question to you: Was Schirach ever a member of the Reich Cabinet, or what functions or rights did he have in this connection?

GÖRING: The Reich Cabinet as such consisted solely of the Reich Ministers. We differentiated between two kinds of sessions, Cabinet sessions and Ministerial Council sessions.

The Cabinet sessions were normally attended by the ministers and their state secretaries. In some cases when special subjects were to be discussed, ministerial directors, or higher officials of the ministries concerned, could be called in for a short report. Then there were the so-called highest Reich posts. The Reich Youth Leadership was also one of these. If, therefore, legislation affecting the Reich Youth Leadership was to be discussed by the Cabinet, and Schirach learned about it, he could, by virtue of his position as Reich Youth Leader, request to be called to this meeting. On the same basis the Chief of the Reich Chancellery could order him to attend such a meeting. These representatives never attended the other regular Cabinet sessions. I believe I attended almost all sessions and, as far as I know, Schirach was never present.

In contrast to that were the Ministerial Council sessions to which only Reich ministers were admitted and no one else.

DR. SAUTER: I come now to the period after the fall of Mussolini, when Badoglio took over the government in Italy. Do you recall, Witness, that at that time the Defendant Von Schirach sent a wire with certain suggestions to you?

GÖRING: Yes.

DR. SAUTER: What did he suggest and what did he want to accomplish?

GÖRING: He suggested that I should tell the Führer to make a change in the Foreign Office immediately and to replace Ribbentrop with Von Papen.

DR. SAUTER: Then, a last question on behalf of the Defendant Schirach. Do you recall another letter which the Defendant Schirach wrote, as far as I know, in the spring of 1943? This was a letter occasioned by one from Bormann and, so that you will know just which letter I mean, I shall briefly explain the connection. Bormann at that time dispatched letters, as a formality, to all Gauleiter, according to which the Gauleiter were to report whether they had any ties with foreign countries. Schirach was well aware at the time that this letter was meant solely for him, for the other Gauleiter had no relatives in foreign countries. Schirach wrote a letter which, as far as I know, you read. And thereupon you are supposed to have intervened on behalf of Schirach. Please tell us what kind of letter it was, what was the danger threatening Schirach, and what you and others did to avert this danger?

GÖRING: I must correct that, and I am fully acquainted with this incident. This letter of Bormann's was not directed to the Gauleiter to establish whether they personally had connections abroad. Bormann sent, by order of the Führer, a letter to all Gauleiter, and it was not a *pro forma* letter intended solely for Gauleiter Schirach, but was intended for all. They were to check the political leaders within their jurisdiction to establish whether any of their co-workers or any political leader subordinate to them had family ties or connections abroad, especially in enemy countries, whereby the individual affected might, in some circumstances, have a conflict of conscience or might be of questionable reliability. That was a general directive of the Führer, which also applied to the Officer Corps and not solely to the case of Schirach. I was at headquarters when Schirach's letter arrived and Bormann gave it to the Führer. Schirach replied that, before he could take any steps in this matter with regard to his collaborators or subordinates, he needed some clarification by the Führer as far as his own person was concerned. He went on to describe in brief, in his letter, his family ties in the United States of America, on his mother's side, and also mentioned in this letter that his connection with his relatives abroad was a very cordial one and asked whether, under these circumstances, it was still possible for the Führer to retain him in his position as Gauleiter. At that time the Führer had not been kindly disposed to Von Schirach for several months and had repeatedly considered withdrawing him from office. He said on this occasion—and that

is how I came into possession of this letter, for he handed it to me: "Schirach seems to plan for his future protection. I have a certain suspicion." Then, in the presence of Bormann, I told the Führer very clearly and definitely that this was entirely unfounded; that I could not understand his attitude toward Schirach, and that Schirach had done the only possible and decent thing when, before dismissing any of his collaborators or subordinates for such reasons, he demanded the clarification of his own position, since his connections were known; and that, in my opinion, this letter had no other purpose.

DR. SAUTER: Then, however, in connection with this letter, a rather strange suggestion seems to have been made by someone for further action against Schirach?

GÖRING: I know that Bormann and Himmler were opposed to Schirach. Whether they wanted to give this letter an entirely different interpretation in order to induce the Führer to recall Schirach and eliminate him, and how far Himmler's suggestion went, whether protective custody was considered, I do not know. But I heard about these things from other sources later on.

DR. SAUTER: Your Honor, I have no further questions.

FLOTTENRICHTER OTTO KRANZBÜHLER (Counsel for Defendant Dönitz): Reich Marshal, when did you become acquainted with Admiral Dönitz?

GÖRING: I met Admiral Dönitz for the first time in his capacity as Admiral and Commander of U-boats during the war, as far as I remember in 1940, at a conference in my special train, in France, I believe.

FLOTTENRICHTER KRANZBÜHLER: Was the conference concerned with military or political questions?

GÖRING: Purely military questions, namely, as to how far now and in the future the Air Force could provide reconnaissance for U-boats in the Atlantic. The then Admiral Dönitz complained that the reconnaissance was too weak and urgently requested me to strengthen it and, as far as I remember, to have it extended to as far as 30 degrees.

FLOTTENRICHTER KRANZBÜHLER: Did you have further conferences with Admiral Dönitz before his promotion to Commander-in-Chief in 1943?

GÖRING: No.

FLOTTENRICHTER KRANZBÜHLER: Did you as Commander-in-Chief of the Air Force use so-called emergency seaplanes for the rescue of fliers shot down in the Channel?

GÖRING: There were several squadrons of emergency seaplanes assigned to the Channel for the rescue of fliers shot down, both German and enemy fliers, as the order clearly proves.

FLOTTENRICHTER KRANZBÜHLER: What did these planes look like?

GÖRING: These planes were, as far as I remember, marked with the Red Cross.

FLOTTENRICHTER KRANZBÜHLER: Were they armed?

GÖRING: Not at first.

FLOTTENRICHTER KRANZBÜHLER: And how were these emergency planes treated by the British?

GÖRING: There were some instances where they were not molested, but there were a number of cases in which they were shot down while they were engaged in rescue actions. Since these cases became predominant, I said it would be more expedient not to use the Red Cross markings any longer, to have these planes armed and thus try to rescue our comrades from the sea. We had tremendous losses in these emergency sea squadrons.

FLOTTENRICHTER KRANZBÜHLER: Did you have lifebuoys anchored in the Channel for shot-down fliers?

GÖRING: Quite a number of lifebuoys were anchored, to which ropes were attached and to which fliers who had been shot down could cling. The lifebuoys were also equipped with foodstuff, drinking water, life-saving jackets, lifebelts, and the like. Besides these small lifebuoys there were larger ones in the form of small rafts which the fliers could board. There also food, drink, first-aid kits, blankets, and the like, were to be found.

FLOTTENRICHTER KRANZBÜHLER: How were these lifebuoys treated by the British?

GÖRING: In different ways. Some remained, others were destroyed.

FLOTTENRICHTER KRANZBÜHLER: I have no further questions.

DR. EXNER: Is it known to you that particularly in 1942 a severe conflict arose between the Führer and Colonel General Jodl?

GÖRING: Yes.

DR. EXNER: Is it known to you that at that time Jodl was even to be relieved?

GÖRING: The conflict arose from the Caucasus crisis. The Führer blamed General Jodl for the fact that no concentrated forces had been used to press forward in the direction of Tuapse; but

that battalions of mountain troops had been marched from the valleys over the mountain chain of the Elbrus, which the Führer thought was senseless. At that time, as far as I remember, Jodl pointed out to him that this matter had been discussed with, and approved by him. The Führer severely criticized the commander who was in charge of this sector. Jodl defended him on those grounds, and this led to extremely strained relations. The Führer mentioned to me that he wanted to relieve Jodl. The tension was so strong that from this moment on, as far as I remember, the Führer withdrew from the Officers Club jointly used by both his Operations Staff and High Command, and even took his meals alone. For quite some time, for several months, he refused to shake hands with this gentleman. This illustration is just to show you how great the tension was at that time.

As successor to Jodl, Paulus was already selected; the Führer had special confidence in him. Just why this change did not materialize, I do not know exactly. I assume that here again, despite all tension, the decisive factor for the Führer was that it was extremely hard for him to get used to new faces, and that he did not like to make any changes in his entourage. He preferred to continue working with men of his entourage whom he did not like rather than change them.

In the course of the years, however, his confidence in Jodl's tactical ability increased again considerably; he had complete confidence in his tactical capacity. The personal relations of both gentlemen were never very close.

DR. EXNER: Is it known to you that, particularly in 1945, withdrawal from the Geneva Convention was being considered? Do you know what attitude Jodl took at that time?

GÖRING: It may have been February 1945, when Minister Goebbels made this proposal to the Führer. This proposal met with the utmost opposition by all of us. In spite of that the Führer reverted to it again and again, and for days was inclined to withdraw from this Convention. The reason given was, oddly enough, that there were too many deserters in the west and that the troops were inclined to surrender too easily. The Führer was of the opinion that if the troops knew that in captivity they were no longer protected by the Geneva Convention, they would fight harder and would not react to the extensive enemy propaganda telling them how well they would be treated if they stopped fighting. The united efforts, in which, of course, Jodl participated, succeeded in dissuading the Führer with the argument that this action would cause great disturbance among the German people and anxiety for their relatives in captivity.

DR. EXNER: One more question. Before the Norwegian campaign, Jodl entered in his diary—it has been mentioned here before: "The Führer is looking for a pretense." But that is incorrect. The original reads: "for a basis." Now, to what extent did the Führer look for a basis at that time?

GÖRING: I remember this point also very well and therefore, I can state under oath that the use of the word "basis" or "pretense" is entirely out of place here. The case was as follows:

The Führer knew exactly, and we knew as well, and had rather extensive intelligence and reliable reports to the effect that Norway was to be occupied by the Allies, England and France. I mentioned this the other day. In order to prevent this, the Führer wanted to act first. He spoke about the fact, that for us the basis of an Anglo-French attack was clear, but that we had not sufficient proof for the outside world. Hitler explained that he was still trying to get evidence. It would have been better if Jodl had written, not that the Führer was still looking for a basis, but—according to what the Führer meant—that the Führer was still looking for conclusive evidence for the outside world. Evidence as such we had. This was one thing. The second was that generally, for such steps the Foreign Office had to execute the necessary preparatory work including the drafting of notes. In the case of Norway, however, the Führer advised the Foreign Office only, I believe, 24 or 48 hours in advance. He did not want to inform it at all at that time because he kept the entire plan extremely secret. I remember that I, as Commander-in-Chief of the Air Force, was informed of this plan at a very late date. This secrecy was the second reason why he himself was concerned with finding a basis for the attack. These were the two reasons. I would like to state again that it would have been expressed much more clearly if he had said that the Führer was looking for evidence, rather than for a basis.

DR. EXNER: If I understand correctly, you mean evidence showing that the British had the intention of occupying Norway?

GÖRING: We had the report, but the final written evidence we received only later.

DR. EXNER: The Führer had no doubt about this?

GÖRING: Not for a moment, none of us had any doubt about it. We received the evidence later.

DR. EGON KUBUSCHOK (Counsel for Defendant Von Papen): Is it correct that Hitler authorized you to conduct all negotiations for the purpose of forming a government under Hitler as it emerged on 30 January 1933, that is, that you alone were commissioned to do this?

GÖRING: That is correct. I stated this the other day.

DR. KUBUSCHOK: Is it correct that you talked about the formation of a government with Von Papen for the first time in January 1933?

GÖRING: I talked with Papen for the first time on a Sunday, 8 days prior to the formation of the Government, in Ribbentrop's home.

DR. KUBUSCHOK: If then, Papen had carried on negotiations concerning the formation of a government between 4 January, the day of the meeting with Hitler in the home of Baron Schröder, and 22 January, he would have had to do this through you, and you would have known it.

GÖRING: That is correct, because the Führer was in Munich at that time and I was the sole authority in Berlin for the formation of this government. Besides, it was not at all obvious at the beginning of January that within a reasonable length of time we should have to form such a government. Other negotiations were taking place which had nothing to do with Herr Von Papen.

DR. KUBUSCHOK: Did the formation of a new government in the middle of January become inevitable for Hindenburg because Schleicher had no parliamentary backing and his efforts to receive such backing, by negotiations with Gregor Strasser to split the NSDAP were frustrated?

GÖRING: I believe I have said already in a general way that Schleicher did not receive a parliamentary majority and his attempt at splitting the parties failed for the reason that the Führer immediately eliminated Strasser, who actually had no following among the deputies. Since Schleicher's attempts to get a majority failed, he had to govern without parliament, and that he could do only with extraordinary powers from Hindenburg. Since he had told him previously that he would be able to get a majority, the Reich President refused his demand for extraordinary powers, such as held by the previous Cabinet of Papen, and then decided to do what I stated here the other day.

DR. KUBUSCHOK: Is it correct that Von Papen gave up to you the prime ministership of Prussia on 20 April 1933, because in the elections for the Prussian Landtag of March 1933 the NSDAP had obtained a clear majority in Prussia, and the Landtag therefore intended to elect you prime minister?

GÖRING: It is not entirely correct, for the Prussian Landtag did not have to elect a prime minister at that time. But the fact that the NSDAP had the absolute majority, induced Von Papen, in connection with my conferences in Munich, to approach the Führer on his own

initiative, stating that he would agree to turn over to me the Prussian prime ministership.

DR. KUBUSCHOK: One last question: You mentioned yesterday that you as the Commander-in-Chief of the Air Force granted many reprieves to people in Belgium and France who were sentenced for their resistance. Is it correct that Von Papen on various occasions conveyed to you wishes of relatives of those who had been sentenced; and that he did this for the reason that, in the interest of a later solidarity of the peoples, he did not wish that in such sentences, even if they were militarily justified, an impersonal attitude should develop, and that you complied with the wishes of Von Papen?

GÖRING: I merely remember that on occasions—I remember one case especially, for a prominent name was involved—I received a request from Herr Von Papen, as to whether the person concerned could not be granted a reprieve. It concerned people sentenced because they had assisted enemy airmen to escape. In this case I complied to a large extent with the request of Herr Von Papen. I am no longer quite conversant with the reasons.

DR. WALTER BALLAS (Counsel for Defendant Seyss-Inquart): I ask the Tribunal to permit me to put a few questions to the witness Göring. They concern the well-known telephone conversations of 11 March 1938, between Berlin and Vienna.

[Turning to the witness.] Is it correct, that Dr. Seyss-Inquart, when he was appointed Austrian State Councillor in June of 1937, visited you in Berlin accompanied by State Secretary Keppler?

GÖRING: The date, I do not remember; the visit, yes.

DR. BALLAS: Did Dr. Seyss-Inquart, at that time, express the idea that the Austrian National Socialists should be made entirely independent of the Reich Party?

GÖRING: Wishes of that nature were discussed by him because he wanted as little friction as possible in his work in the cabinet.

DR. BALLAS: At that time he further mentioned—and I would like you to answer, whether it is correct—that the National Socialists were to be given permission to be active in Austria, in order to establish as close a relationship between Austria and Germany as possible within the framework of an independent Austria.

GÖRING: As far as Party matters are concerned, I do not remember exactly what was discussed. The scheme of keeping Austria independent in its collaboration with Germany was repeatedly advocated by Seyss-Inquart, and I have recently outlined it. It seemed to me personally not extensive enough. Just because I knew this attitude of Seyss-Inquart, I must say frankly that I was a little distrustful of his attitude on the 11th and 12th of March, and therefore on the late afternoon that these telephone conversations took

place, I sent Keppler to Vienna, so that, as regards the annexation, matters would take their proper course. I would rather have sent someone else, because Herr Keppler was too weak for me; but the Führer's desire in this case was that, if anyone was to be sent, it should be Keppler.

DR. BALLAS: Is it correct that Dr. Seyss-Inquart explained his attitude by pointing out the advantage of having German interests represented by two States?

GÖRING: It is absolutely correct that he said that. I answered that I was of a completely different opinion; that I would prefer having German interests represented by one state, which could act more energetically than two, as the second might not synchronize.

DR. BALLAS: Did you on 11 March 1938, or on the previous day, have another telephonic or other communication with Seyss-Inquart?

GÖRING: As far as I recall, but I cannot say with certainty, I believe I did, on the previous Sunday. That is, these telephone conversations were on the 11th, a Friday; on the Monday or Tuesday before I questioned him, or one of his men, on the impression they had had in Graz and Styria. I vaguely remember this but I cannot say so under oath.

DR. BALLAS: Document Number 2949-PS submitted by the Prosecution regarding the conversations between Berlin and Vienna in the critical time of March 1938 shows that only at the time of the conversation between Dr. Dietrich and State Secretary Keppler, who was in Vienna then on your behalf, which took place at 2154 hours—that only on that day was Dr. Seyss-Inquart's agreement to the telegram, which you had dictated in advance, conveyed by Keppler. Had the order to march into Austria already been given at that time?

GÖRING: I explained this recently. The order to march in had been given and had nothing to do with the telegram as such. It was immaterial whether or not he was in agreement. The responsibility for the marching in rested with the Führer and me.

DR. BALLAS: Then it is correct that the marching in would have occurred even without the telegram?

GÖRING: Yes. Of course.

DR. BALLAS: What was the purpose then of this telegram? Had it perhaps something to do with foreign policy?

GÖRING: I have explained that here in greatest detail.

DR. BALLAS: Do you remember, Witness, that in the night from 11 to 12 March, State Secretary Keppler, in the name of Dr. Seyss-Inquart, telephoned Berlin with the request not to carry out the entry into Austria?

GÖRING: I remember this very distinctly for I was extremely enraged that such a senseless telegram—after everything was ready—should have disturbed the Führer's rest when he was worn out and was to go to Austria the next day. I therefore severely reprimanded the Führer's adjutant and told him that such a telegram should have been given to me. Because of this I remember the telegram distinctly, and its pointlessness.

DR. BALLAS: With the result then, that the Führer, if I have understood you correctly, gave a flat refusal to this telegram?

GÖRING: He no longer was able to give a refusal because the entire troop movement was already underway. Such a movement cannot be halted in an hour. Once a troop movement is underway it takes days to halt it. At best we could have halted the movement at a certain point on the march. That was not at all in our interest, as I stated. From this moment on, not Seyss-Inquart, but the Führer and I held the fate of Austria in our hands.

DR. BALLAS: I have only two more questions regarding the Netherlands. Is it correct that, in addition to the order of the Führer which was promulgated on 18 May 1940 naming Dr. Seyss-Inquart Reich Commissioner of the Netherlands, there was an order, not promulgated, which made Seyss-Inquart directly subordinate to you?

GÖRING: Of this secret order, I know nothing.

THE PRESIDENT: Put your questions more slowly. You can see that the light is flashing.

DR. BALLAS: Had the Four Year Plan its own independent office in the Netherlands?

GÖRING: I have not yet answered your first question, I understood that you were to put this question once more, because it did not come through.

DR. BALLAS: I understood the Court to mean . . .

GÖRING: I shall answer you now on this. Of this secret order, I know nothing. It would have been senseless, for a Reich Commissioner in the occupied territories could not have been subordinate to me separately. But if it is a question of subordination in economic matter, then it is clear that the Reich Commissioner was, of course, under my orders and directions in this field as all other major Reich positions were.

To your second question, I can say that I do not know today in detail whether in the occupied territories, that is also in the Netherlands, there was here and there a direct representative of the Four Year Plan, or whether I used the military commander or the economic department of the Reich Commissioner of the territory concerned. As far as I remember now, without referring to

documents, in the Netherlands the situation was that the economic counsellor, or the representative of the Reich Commissioner—Fischböck at that time—which was logical, executed the economic directions of the Four Year Plan. The Reich Commissioner would never have been in a position not to have carried out orders given by me. He could have protested against them only to me or, in extreme cases, to the Führer, but in itself this did not lead to any suspension.

DR. BALLAS: I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 18 March 1946 at 1000 hours.]

EIGHTY-FOURTH DAY

Monday, 18 March 1946

Morning Session

THE PRESIDENT: Had Dr. Kubuschok finished his cross-examination?

DR. KUBUSCHOK: Yes, Mr. President.

THE PRESIDENT: Very well. Then would any other of the defendants' counsel wish to examine or cross-examine?

PROFESSOR DOCTOR HERBERT KRAUS (Counsel for Defendant Schacht): Professor Kraus for Dr. Lüdinghausen on behalf of the Defendant Von Neurath. I ask your permission to put several questions to the witness.

[Turning to the witness.] Witness, at the Munich conferences Hitler, it is alleged, put the following question: "What is to happen if the Czechs are not in agreement with our occupation of the Sudetenland?" Thereupon Daladier answered, "Then we will force them." Is that correct?

GÖRING: This question was actually broached by the Führer during the discussion. Premier Daladier said, in substance, whether with the same words or not, something which corresponds to the sense of this statement. As far as I can still remember fairly exactly, he emphasized that now a decision in that direction had been reached by the great powers for the purpose of maintaining peace, and this peace must not be threatened anew by Czechoslovakia's refusal, otherwise neither England nor France would feel themselves in any way in duty bound to help, if Czechoslovakia did not follow this advice.

DR. KRAUS: Witness, how long have you known Herr Von Neurath?

GÖRING: As far as I recall I saw Herr Von Neurath very briefly when he was the German Ambassador to Denmark in 1919, but only for a short time. Later I met him again just before the seizure of power and spoke to him very briefly, I believe; my closer relationship and acquaintance begins from the time after the seizure of power.

DR. KRAUS: Did you have any closer knowledge of his activities as Ambassador in London?

GÖRING: That is correct. I did know about his work before, because even in former times, that is in 1931 and 1932, before Herr Von Neurath became Foreign Minister, in discussions about the possible formation of a cabinet, we also considered the name of Herr Von Neurath as a candidate, even though he did not belong to the Party. As a basic consideration in this connection his very position as Ambassador to England played the main role, since we, that is, Hitler as well as I, were of the opinion that Herr Von Neurath's relations as Ambassador to the English Government were very good and that Herr Von Neurath could be an important factor in this field—that of good relations with England—which was a basic consideration in the Führer's foreign policy.

DR. KRAUS: Then I may assume that Herr Von Neurath had pursued a policy of peace and understanding in London?

GÖRING: Yes, you can assume that exactly.

DR. KRAUS: Yes; and can you tell me if, beyond that, Herr Von Neurath made efforts in his capacity as Foreign Minister as well, to continue this policy of peace and understanding?

GÖRING: When Reich President Von Hindenburg made it a condition, which I have already mentioned, that Herr Von Neurath should become Foreign Minister, the Führer was in full agreement with this condition, because he saw that the task of establishing good relations with England and the West was in good hands. Herr Von Neurath always made every effort in this direction.

DR. KRAUS: I should like to deal with another series of questions.

Were you present at the meeting of the Reich Cabinet on 30 January 1937, during which Hitler gave the Golden Party Emblem to those members of the Cabinet who were not members of the Party, among them also Herr Von Neurath?

GÖRING: Yes, I was present.

DR. KRAUS: And do you know that Hitler declared on this occasion that it was purely a distinction such as the conferring of an order, and that the gentlemen concerned did not thereby become Party members and had no obligations toward the Party?

GÖRING: I would not put it just that way. The Führer was speaking spontaneously, since it was the anniversary of the seizure of power, and he said it was his intention in this way to show his confidence in those members of the Reich Cabinet who did not belong to the Party. I believe he used the words, "I should like to ask them to accept this Party Emblem." He said at the time that in his opinion this was a decoration and that he intended, as he actually did later, to develop additional grades of this decoration. The first

grade of this decoration was to be the Golden Party Emblem. Then, on the spur of the moment, he stepped up to the various ministers and handed them this emblem. In doing so he neither emphasized that they were thereby to consider themselves members of the Party, nor did he emphasize that they were not Party members.

When he came to Herr Von Eltz-Rübenach, this gentleman asked whether he was thereby obliged to stand for the partly anti-clerical tendency of certain Party circles, or something to that effect. The Führer hesitated for a minute and said, "Then you do not wish to accept it?" Whereupon Herr Von Eltz said, "I do not wish to say that. I just wish to make a certain reservation." The Führer was taken aback; immediately he turned around and left the cabinet room.

In this connection it is not correct, as has been maintained, that Herr Von Eltz resigned voluntarily because of this. I followed the Führer immediately and felt, as did all the other gentlemen, that this incident was an insult to the Führer, since membership in the Party had not been mentioned at all. In addition, and this is very important, the Führer was already considering a plan to divide the Ministry of Transport and to re-establish the old Post Ministry and to put the railroad expert Dorpmüller into the Ministry of Transport. The Führer had told me this previously and, as he had left it to me to tell Von Eltz about it gradually, in a diplomatic way, I took this opportunity and went to Herr Von Eltz and said: "Your behavior was impossible, and I think the only thing for you to do is to resign at once." He said, "I did not mean it like that," and he was not willing to hand in his resignation right away. I then asked him abruptly to do so by that evening. I also sent State Secretary Meissner to him to say it would be advisable for him to leave the Cabinet and hand in his resignation immediately, especially in view of—and then I gave the explanations concerning the post and railroads as I have just given them.

That was what happened at that conference with regard to the Golden Party Emblem.

DR. KRAUS: Witness, were you present when Hitler, in the evening of 11 March 1938, told Herr Von Neurath in the Reich Chancellery about the entry of the troops into Austria, and informed him of the reasons for this move, and asked him to inform the Foreign Office accordingly, because he himself had to leave?

GÖRING: I have already mentioned in my remarks about Austria that Foreign Minister Von Ribbentrop was not present. Since the Führer had delegated the representation of the Reich to me, I had asked him to ask Herr Von Neurath to put his experience in foreign affairs at my disposal during this time. Thereupon Herr Von Neurath was asked to come to the Reich Chancellery that evening, I believe, and the Führer told him in broad outlines what you have

just said. It was to the effect that, if I needed it and requested it, he was to advise me on matters of foreign policy, since the Foreign Minister was not present and I had no experience in answering diplomatic notes, and since it was to be expected that some foreign political action, such as protests and notes, at least, would be taken during the Führer's absence.

DR. KRAUS: Then one is to conclude that Herr Von Neurath was not the deputy of the Foreign Minister but only in his absence was to serve as sort of an adviser to you?

GÖRING: He was not the deputy of the Foreign Minister; that would not at all have been in keeping with his position and his rank. The deputy of the Foreign Minister was the acting State Secretary.

DR. KRAUS: Von Weizsäcker?

GÖRING: I believe it was Herr Von Mackensen at that time; he also signed the current correspondence in the absence of the Foreign Minister. Herr Von Neurath was only my adviser in such matters of foreign policy as were expected to come up in connection with the Austrian case.

DR. KRAUS: Do you know of the protest which came from the British Ambassador on 11 March 1938, which was addressed, strangely enough, to Herr Von Neurath and in which the British Ambassador protested against the marching in of German troops?

GÖRING: That is not at all so strange, for on the evening of the marching in of the troops I personally, as I have explained, spoke to the British Ambassador for 2 hours and told him that the Führer was going to Austria the next day; that I would administer the Reich and had for this purpose requested Herr Von Neurath as my foreign political adviser, as Sir Nevile Henderson had already hinted that this would not be tolerated without protests. Thus the British Ambassador had already received this information from me the evening before. This explains the fact that he turned to Herr Von Neurath, because I had said to him, "If you come around with your old notes of protest, I personally cannot do very much about them."

DR. KRAUS: Did Herr Von Neurath, after the Foreign Minister had formulated the answer to the protest, notify you by telephone of that answer, and did he ask you whether you would sign it as Hitler's deputy?

GÖRING: Yes, of course; I was deputy head of State. He had to inform me of the reply and it was also a matter of course that I should say to him, "You sign," for as deputy head of State I could not sign diplomatic notes.

DR. KRAUS: Thank you.

DR. SERVATIUS: Witness, how far were the political leaders informed beforehand of the Führer's foreign political intentions?

GÖRING: "Political leaders" is a very comprehensive term. It includes everyone from the Reichsleiter to the Blockleiter or Zellenleiter. Instruction of the entire body of political leaders with regard to matters of foreign policy quite naturally and understandably never took place, and could not take place unless the Führer publicly made known his general foreign political intentions to the entire nation either in the Reichstag or over the radio. The higher officers of the political leaders, for instance, the Reichsleiter or the Gauleiter, were likewise never called together as a group in order to be informed of political intentions which the Führer did not want to announce publicly.

He may personally have mentioned his intentions to one or other of the political leaders, who at the same time held another state office, or who was for some other reason in his confidence—I should first have to think where that might have been the case. He certainly did not do it to any unit or sub-unit. In his speeches to Gauleiter after the events had taken place, he merely referred to these things each time in retrospect and explained and unfolded his political intentions, which he had, however, already realized by then.

DR. SERVATIUS: I have no further questions.

DR. MARTIN HORN (Counsel for Defendant Von Ribbentrop): Witness, do you know to what extent Von Ribbentrop was informed about military plans and intentions in his capacity as Foreign Minister?

GÖRING: I do not know the exact details. In general the same principle applies here too, that only such authorities as were competent, as far as these intentions were concerned, were kept informed, particularly so in the case of military intentions. Just how much the Führer told Herr Von Ribbentrop now and again in conversations about his military plans, I did not know.

DR. HORN: Is it correct that Hitler set down the guiding principles for all policies, including foreign policy?

GÖRING: That is a matter of course. Foreign policy above all was the Führer's very own realm. By that I mean to say that foreign policy on the one hand and the leadership of the Armed Forces on the other hand enlisted the Führer's greatest interest and were his main activity.

DR. HORN: Should I conclude from that that he was interested in the details of foreign policy as well?

GÖRING: He busied himself exceptionally with these details, as I have just stated, and with particularly great interest in both of these fields.

DR. HORN: Did Hitler expressly instruct you to keep secret the memorandum on Poland of 30 August 1939?

GÖRING: He did not expressly instruct me. I do not know whether he knew that I had it in my pocket. But in general he had given such instructions since he had instructed the one who would have had to hand it over, namely, Herr Von Ribbentrop, not to hand it over, so that I actually handed over this memorandum against the express order of the Führer, which constitutes a risk that probably only I—please do not misunderstand me—indeed I alone could take and afford.

DR. HORN: You mentioned a few days ago the diversified influence which the various personages had on Hitler. Do you know any facts from which we might conclude that Ribbentrop had not enough influence on Hitler to induce him to change decisions once he had made them?

GÖRING: As far as influence on Hitler, on the Führer, is concerned, that is a problematical subject. I should like first to confine myself to the question of Herr Von Ribbentrop's influence. Herr Von Ribbentrop definitely had no influence in the sense that he could have steered Hitler in any one direction. To what extent arguments of an objective nature may perhaps have definitely influenced the Führer sometimes to do this or that in respect to foreign political affairs, or to refrain from doing it, or to change it, would have depended entirely on the strength of the arguments and the facts. To what extent that may sometimes have played a role I cannot say, for I was not present at 99 percent of the Führer's conferences with Herr Von Ribbentrop. But Herr Von Ribbentrop had at no time such influence that he could have said, "Do this" or "Do not do it; I consider it a mistake," when the Führer was convinced of the correctness of any matter.

DR. HORN: Do you know facts or observations which might point to the existence of a conspiracy in the highest circles of the government?

GÖRING: Conspiracy may be variously interpreted. Conspiracies naturally never took place in the sense that men secretly came together and discussed extensive plans in darkness and seclusion. As to conspiracy in the sense that the Führer had comprehensive conferences and as a result of these conferences decided upon joint undertakings, one can only talk of conspiracy here to the extent—and I beg of you again not to misunderstand me—that this took place between the Führer and me until, say, 1941. There was no one who could even approach working as closely with the Führer, who was as essentially familiar with his thoughts and who had the same influence as I. Therefore at best only the Führer and I could have conspired. There is definitely no question of the others.

DR. HORN: American war propaganda consistently spoke of Germany's aggressive intentions toward the Western Hemisphere. What do you know about this?

GÖRING: The Western Hemisphere? Do you mean America?

DR. HORN: Yes.

GÖRING: Even if Germany had completely dominated the nations of Europe, between Germany and the American continent there are, as far as I still recall from my geographic knowledge, about 6,000 kilometers of water, I believe. In view of the smallness of the German fleet and the regrettable lack of bombers to cover this distance, which I have already mentioned, there was never any question of a threat against the American continent; on the contrary, we were always afraid of that danger in reverse, and we would have been very glad if it had not been necessary to consider this at all.

As far as South America is concerned, I know that we were always accused, by propaganda at least, of economic penetration and attempted domination there. If one considers the financial and commercial possibilities which Germany had before and during the war, and if one compares them with those of Great Britain or America, one can see the untenability of such a statement. With the very little foreign exchange and the tremendous export difficulties which we had, we could never constitute a real danger or be in competition. If that had been the case, the attitude of the South American countries would presumably have been a different one. Not the mark, but only the dollar ruled there.

DR. HORN: Thank you.

DR. SIEMERS: The Prosecution have submitted the diary of General Jodl under Document Number 1809-PS. In this diary there are two entries from the first half of 1940, in regard to which I should like to have your opinion. These two entries concern Russia at a time when Germany and Russia were on friendly terms.

I should like to say in advance that the substance of the intentions which are contained in these entries sounds rather fantastic, and that is why I would like to have your opinion as Commander-in-Chief of the Air Force.

I quote the first entry dated 13 February 1940:

"Have learned from Admiral Canaris that the Rewel Squadron is to be employed in full force going from Bulgaria toward the Caucasus. The Air Force must explain with whom this false idea originated."

The second entry of May 1940 reads as follows, and I quote verbatim:

"Führer rejects request of the Air Force to set up a listening post in the Caucasus."

I would like you to tell me what the thoughts were which guided you in these plans as Commander-in-Chief of the Air Force, and what facts were the basis of those thoughts.

GÖRING: If these entries were made on the basis of a report by Admiral Canaris, who was the chief of foreign intelligence, and if they were entered by Jodl in connection with the special long reconnaissance Rewel Squadron, it is because of the former's connection with this squadron—to which he himself frequently assigned intelligence or espionage tasks—that he had heard of my intention to use it—which was something which I wanted to have kept especially secret. He apparently informed the High Command of the Armed Forces, where this action, or the intended action, met with complete misapprehension and could not be understood.

My intention in this connection—and I had personally ordered it—was entirely clear. The statement that it was to do reconnaissance work in or in the direction of the Caucasus is not quite correct. It would have been more correct to say in the direction of the Caucasus, Syria, and Turkey. But this mistake may have occurred in the report transmitted by Canaris.

I had received more and more intelligence reports to the effect that from Asia Minor actions were to be undertaken against the Russian oil fields of the Caucasus—Baku—and likewise actions for the purpose of gravely disrupting the oil supply from Romania to Germany.

As Commander-in-Chief of the Air Force I was the one chiefly interested in obtaining Romanian oil as well as Caucasian oil, more precisely petroleum and gasoline, on the basis of a trade agreement with Russia, because at that time the refineries were not completed and not working to capacity. A disturbance in either one of these supplying regions would have affected my Air Force very badly. Therefore I had to watch this closely. I anticipated disruption of the oil regions in the Caucasus.

I had the agents' report checked by very reliable people and found that in Syria an army was actually formed under General Weygand which had the name of "Orient Army." I was more interested, however, in the concentration of squadrons of aircraft in the Syrian area, not only of French but also English squadrons. As far as I remember I received these reports about the intentions of the French-British air squadrons through agents in Turkey, that is to say, from Turks, because there had been negotiations with Turkey regarding permission to fly over her territory in order to carry out

the intention of the English-French air squadrons of suddenly bombing the Baku area and thereby severely damaging the Russian oil fields and eliminating deliveries to Germany.

I therefore had to, or rather I was obliged to find out constantly, through long-range reconnaissance flights, the extent to which the airfields in Syria were becoming more active than before. There could be no other reason for massing aircraft there exactly at this time, for it was not a theater of war nor was any threat there on the part of Germany at that moment. On the contrary, it would have been understandable if all British and French aircraft had been needed in England and France themselves.

If, therefore, my long-range reconnaissance flights established the fact that the airdromes in Syria were being used more than ever, and further confirmed that possibly the airfields in the east of Turkey were being increased, this would have been, and actually was, a confirmation of the alleged intentions. In this case, as soon as I was fully convinced of this, I should have to point out to the Führer that Germany should draw Russia's attention to the danger threatening her.

The establishing of listening posts, not in the Caucasus but before the Caucasus, naturally served the same purpose, namely that of setting up secret radio stations along the general line of flight, Syria-Caucasus, Syria-Baku, East Turkey-Baku, one, two or three, in order to find out whether preparatory flights by the French and English Air Forces were taking place; that is to say, reconnaissance on the oilfields, *et cetera,* in order to get more information that way also.

Since at the time I did not yet have conclusive and final proof in my hands, I kept these things to myself and dealt with them only in the offices responsible to my sector of the Air Force until I could obtain a clear picture. Only later, after the termination of the French campaign, absolute confirmation of these intentions was obtained by the discovery of the secret reports of the French General Staff and of the meetings of the combined Supreme Military Council of England and France, which proved that my information was entirely correct and that a plan for a surprise bombing attack on all the Russian oilfields had been prepared. In the meantime the confirmation of the plan to eliminate the Romanian oilfields, already known to us, was communicated to the Romanian Government and this attack on neutral Romania was then prevented.

DR. SIEMERS: I understood you correctly, did I not, that these plans were made by both England and France?

GÖRING: Yes.

DR. SIEMERS: And that the intelligence you received was to the effect that the attacks on the oilfields were directly aimed at the

then neutral Russia and also indirectly at Germany by the cutting off of her oil supply?

GÖRING: Of course.

DR. SIEMERS: Thank you.

HERR BOEHM: Witness, is it true, as the Prosecution maintains, that you were Reichsführer of the SA?

GÖRING: I was not Reichsführer of the SA, there never was such a title. In 1923, on 9 November, I was a commander of the SA, which at that time existed only in Bavaria and to a small extent in Württemberg.

HERR BOEHM: According to that, how long were you commander of the SA?

GÖRING: I have just told you, until November 1923.

HERR BOEHM: From 1921 on?

GÖRING: From the beginning of 1923.

HERR BOEHM: What was your influence before and after 1923 respectively in regard to the leadership of the SA, the indoctrination of the people, and the giving of orders?

GÖRING: Please repeat the question.

HERR BOEHM: What was your influence before and after 1923 as far as the leadership of the SA, the indoctrination of the SA men, and the issuing of orders were concerned?

GÖRING: From the beginning of 1923 until 9 November 1923 my influence was complete and absolute, that is, I commanded the SA directly. After 1923 I was no longer entitled to have anything to do with the SA itself, nor did I.

HERR BOEHM: How was it before 1923, the relationship before 1923 as well as after 1923?

GÖRING: I beg your pardon?

HERR BOEHM: Was your relationship to the SA the same before 1923 as afterwards?

GÖRING: I have explained this very precisely. Until November 1923 I was commander of the SA with full power and authority to give orders. After 1923 I had nothing more to do with the SA as far as giving orders was concerned, but I was only—I do not know what year it was, perhaps 1936 or so—connected with the SA in an honorary capacity, but without exercising any authority. Besides, I had no occasion to do so.

HERR BOEHM: In the course of your testimony during the last week in connection with the SA people, you said that they

were always ready to make great sacrifices. Now I would like you to tell me what kind of sacrifices these were.

GÖRING: The sacrifices of the SA men were these: they gave nearly all their leisure time to the movement without being reimbursed; they did without family life or recreation, so that in difficult times of our struggle for power they were always at the disposal of the Party, for election campaigns, continuous parades, protection of meetings, *et cetera.* In my eyes this is a considerable sacrifice, if one considers that most members of the SA were workers and minor employees who needed the few hours of their leisure more for rest, but who were always ready to be fully at the disposal of the Party and to work for their political ideals according to their political beliefs.

HERR BOEHM: Were these people promised material advantages?

GÖRING: None at all.

HERR BOEHM: Is it correct that particularly after the seizure of power a great number of communist agitators crept into the SA?

GÖRING: Please repeat the question.

HERR BOEHM: Is it correct that especially after the seizure of power, a great number of communist agitators were able to creep into the SA?

GÖRING: That was a very noticeable and vital matter. As after the seizure of power action was taken against the Communist Party, which was something they had logically expected, a number of members of the Red Front battle organization joined the SA, especially in large cities where this was easier. This was all the easier because the then head of the SA, Röhm, indiscriminately admitted SA men, or rather men into the SA, who did not need to be members of the Party, as was formerly required. Anyone could therefore become an SA man without belonging to the Party.

At the same time Hugenberg's German National Party also started a political battle organization which he called the "Green Shirts." These were also to be taken into the SA now, just as the Stahlhelm, as by themselves they seemed purposeless.

I personally remember one day when 400 to 500 of these people assembled at the Wilhelmstrasse to be enrolled in the SA. I saw these people from my window and definitely noticed that elements were involved which did not belong there. I immediately summoned the police and had a check made. Ninety-eight percent of these men had their communist Red Front membership cards in their pockets.

THE PRESIDENT: Dr. Boehm, the Tribunal considers that this is all cumulative to what the defendant has already said in his examination in chief. He has given us a long account of the SA in

his examination in chief. He has added nothing in the course of what he is now saying.

HERR BOEHM: According to the Prosecution, it is asserted that the SA was composed of terror-gangsters. I feel in duty bound to correct or clarify this statement in this respect by asking . . .

THE PRESIDENT: That has nothing to do with what I said. It may be that the Prosecution have said that. Probably they have. What I was pointing out to you was that the Defendant Göring has been all over this ground in the evidence he has already given. The Tribunal does not wish to hear the same evidence twice.

HERR BOEHM: Yes, that may apply to my first three questions in a way.

[Turning to the witness.] I should like to ask further in what way you influenced the SA in connection with the Versailles Treaty? Did you tell the people that the Versailles Treaty should be annulled by diplomatic means or by war?

GÖRING: This question is extremely difficult to answer. If I made a speech to my SA men in 1923 I could not very well say much about diplomacy. They would not have understood that. Rather the question was quite simply to be rid of Versailles. The ordinary SA man was not at all concerned with the "how" or the "what." That is the task of the leadership. I did not say, "I promise that you will never have war"; or that we were only a purely pacific organization and that we should try by protests only to rid the world of Versailles. But neither did I say to them, "In the next few years we will march out and make war." In reality I did not tell them anything. I said that they would have to be obedient and have confidence in the leadership, and leave what was to be done to the leadership—that that was proper, and a basic attitude—every SA man knew that from our speeches and from the Party program. Among all the people the wish was—of every decent German, I hope—to be rid of Versailles.

HERR BOEHM: According to your knowledge, and apart from the period of 1923, from 1921 to 1945, was the SA and also the organ of the SA, that is, the leadership of the SA as well as the individual member, informed that the NSDAP intended after the seizure of power to dominate other states and to make war with that purpose in mind, even in disregard of the rules of war and the laws of humanity if need be?

GÖRING: I do not quite know just what one imagines the SA leadership and the entire SA to be. It is quite impossible that anyone should stand up and say, Listen, we wish: (1) to overthrow and subjugate and dominate all other states; (2) to wage war continuously; (3) to destroy everything and act as inhumanly as possible; and (4) to pay thereby no attention to any law of war.

I cannot imagine that anyone but an insane person would have made such statements before the SA or anyone else. The SA was never instructed politically in any way. It was told: "You will march tomorrow, and the day after leaflets will be distributed and then . . ." as I have already explained.

HERR BOEHM: During the time of the seizure of power there were various excesses on the part of the SA. Was this a matter of measures undertaken by individual members, or were these measures in accordance with instructions of the SA leadership?

GÖRING: In no case, I believe, in accordance with instructions from the middle or even the higher SA leadership offices. In an organization of a million young people there will always be a certain percentage of rowdies, especially in the large cities. As I have already mentioned, there was a considerable number of agitators in the organization; that thereby individual excesses on the part of individuals or groups of like-minded persons will occur, is entirely inevitable.

HERR BOEHM: Did the SA leadership in principle ever sanction individual actions on the part of its members?

GÖRING: I have already stated that I had very little to do with the leadership of the SA, but I do not think so.

HERR BOEHM: Is it correct that the police were forbidden to take steps against excesses on the part of individual members of the SA?

GÖRING: In the beginning that was not the case at all. By that I mean that, on the contrary, the police had orders to take most decisive action in such cases, and particularly the Police Commissioner of Berlin, who was not of the Party, Admiral Von Levetzow, retired, acted very vigorously here. That may even have been the reason for his being removed by the Führer, 2 years later, I believe, owing to continued complaints by the Berlin Gauleiter Goebbels.

HERR BOEHM: How was it later on? If I understood you correctly, you said that in the beginning that was not the case; later the police must have been forbidden to intervene in the case of excesses by members of the SA?

GÖRING: No, it is not to be understood that way. At all times the police intervened against excesses by individual SA men, as far as I remember. A number of SA men were even convicted.

HERR BOEHM: In the Prussian police system, and in the police system of the other states, were only SA members used, or was it rather that all Germans who at that time volunteered to enter the police service were examined and according to the results of this examination were then used or not used?

GÖRING: There was a purging of the police according to our ideas, that is, an investigation was made to see which elements were so strongly bound to the party of the opponents, that is, to hostile parties, that their use no longer seemed possible. These people were eliminated. But that was a very small percentage in comparison with the actual total number of police. They were replaced, and municipal police in particular, who wore uniforms, were increased. Voluntary applications for this came from all sides. Of course, members of our own organizations were in part favored; but a number of people were also taken who were not in these organizations, and those who came from the organizations had to take tests of aptitude for the police services. Many of them did not pass the test and were not taken. That is how things were as long as I was concerned with the police. What happened later I cannot tell you exactly.

HERR BOEHM: Is it correct that the SA after 1934, besides training for sports, was used mainly for emergencies, to line the route on the occasion of marches, to shovel snow, to clean up bomb damage, and so forth?

GÖRING: After 1934 the importance of the SA declined tremendously. This is understandable, for their chief task no longer existed after the seizure of power. They were used to the fullest extent for the purposes just mentioned by you. Then during the war they had pre-military duties; and after the war they were to have formed a pool for the former military clubs, so that they could be joined to the SA as veterans associations. That was the intention, in order to give the SA a further sphere of activities.

HERR BOEHM: Do you know that the Stahlhelm, by virtue of an agreement between the Führer and Seldte, were taken into the SA reserves in a body?

GÖRING: Yes.

HERR BOEHM: Is it correct that after 1933, like the Stahlhelm, the riding clubs of that time were also taken into the SA through the so-called conformity measures?

GÖRING: I believe that is correct.

HERR BOEHM: Was the SA leadership and its members before or after 1933 at any time informed of the results of cabinet consultations, or of the decisions taken by the Cabinet?

GÖRING: I have already said in my general remarks just how the leadership of the SA should be regarded. No, of course not.

HERR BOEHM: The Indictment states in connection with the presentation of the charge of aggressive war and the participation of the SA in such a war, that the SA took part in its preparation in that before the war it annually trained about 25,000 officiers in special schools. You must surely have known something about that?

GÖRING: The training of officers of the Armed Forces was carried out solely in the Armed Forces' own military schools, and I could never understand how the SA could be in a position from the purely technical point of view, and as regards organization, to train officers for the Armed Forces. In addition, it seems to me that the training of 25,000 officers a year is far in excess of the number of officers needed for the Armed Forces. It would have been very nice if we had had so many, but this number, at all events for several years, is just as incorrect as the statement that the SA had to train officers. The training of officers was done by the Armed Forces entirely and exclusively.

HERR BOEHM: But men do seem to have been trained. Do you know where these men were trained and for what purpose? Do you know anything about Führer Schools?

GÖRING: Yes, there were Führer Schools for every organization. Every organization had its schools where it taught and trained those who in its own cadres were to have some sort of leading position. I can only imagine that the Prosecution confused things perhaps, or perhaps wanted to say that some of the SA leaders had received a certain preliminary pre-military training, in the reading of maps or something similar. That, however, is beyond the scope of my knowledge.

HERR BOEHM: May I ask you to explain the relation of the Feldherrnhalle to the SA or the Armed Forces? Was there a formation, or a regiment by the name of Feldherrnhalle? What was particular about this?

GÖRING: After the SS had been allowed several companies by the Führer as armed units—and these actually represented military formations, as, for instance, the Leibstandarte, Grossdeutschland and others—the SA leadership requested that it be granted at least one unit which it might arm with rifles and small arms, as a parade unit, I might say, and this unit was called Feldherrnhalle. Lutze, the then SA leader, suggested to the Führer that I should be made the head of this unit. It is a position of honor to be the head of a regiment or a unit. When I saw this unit for the first time—I believe in a body at a Party rally at Nuremberg—it pleased me immensely because it was composed of only outstanding, especially selected young men.

Really I thanked the SA rather badly for this special honor, for after seeing this excellent unit I dissolved it a few weeks later and took it over in a body into the Air Force and made of it my first paratroop regiment. So, after a brief existence, this unit became simply an Armed Forces formation, a regiment of the Air Force. Because of this procedure, which was unpleasant for the SA, it was quite some time, I believe, before the SA leader Lutze decided to

form a similar unit with the name of Feldherrnhalle and he kept this unit very much smaller; it did sentry duty for the supreme SA leadership, and he did not make me the head of this unit a second time.

HERR BOEHM: According to my information, as well as information I personally received from SA Gruppenführer and Obergruppenführer, and other information which I obtained myself through reading, the Feldherrnhalle was not armed until it passed into the Air Force. Is that correct?

GÖRING: No, that is not correct. I think, but I cannot say so under oath with certainty, that they received rifles shortly before, but only rifles. But as I said before, I do not know exactly.

In this connection, as the Prosecution has referred to this point, I should like to emphasize that this regiment was already provided for as a paratroop regiment in Case Green. After Case Green had been peacefully settled, that is, after the Sudetenland question had been solved peacefully, and long after the occupation of the Sudetenland, I made this regiment bail out and land there, as originally intended, but purely for purposes of practice and maneuvers. This was the landing at Freudenthal which the Prosecution has mentioned. By this time they were already in blue uniforms when they landed and were therefore already a regiment of the Air Force. Merely as a matter of courtesy I had invited the SA leader Lutze to watch this demonstration.

HERR BOEHM: In this war did the SA ever play a strategic or tactical role in connection with the deployment of forces?

GÖRING: No, the SA as such was never used in combat within the Armed Forces as the SA or as an SA unit, either tactically or otherwise. It may be that toward the end there were certain SA units in the Volkssturm.

HERR BOEHM: Is it correct that the SA as a body co-operated with the Armed Forces in the occupation of Austria, the Sudetenland, and the Czech State?

GÖRING: In the case of Austria, the Austrian SA, which was there on the spot, did not take part in the occupation for it had been called up there in a few places as auxiliary police. Actually the so-called Austrian Legion, which was in the Reich, was at my express command and at the express wish of Seyss-Inquart, held back for a long time and was not allowed to go home until after the absolute consolidation of the Austrian situation. It did come from Austria originally. How far units of the SA marched into the Sudetenland after the zone was given over to Germany, I do not know. I heard that there were also Sudeten Germans involved here who had had

to flee prior to that time and who were now returning. In connection with the occupation of the rest of Czechoslovakia, I cannot possibly imagine that SA formations played any part in the entry of our troops.

HERR BOEHM: Could the members of the SA have known that possibly, according to the intention of the SA leadership, they would or could be used for the carrying out of punishable acts?

GÖRING: I did not quite get the substance of that question.

HERR BOEHM: Could the members of the SA have known that according to the intention of the SA leadership they might possibly be used to commit crimes?

GÖRING: Crimes, never.

HERR BOEHM: Now, I have a last question, but I believe that in a certain sense you have already answered it. Did the members of the SA know, or could they know, or ought they to have known, the aims and purposes of the SA at any time, so that they could recognize the intention of the SA leadership, or of the staff leadership, to commit crimes against peace, war crimes, and crimes against humanity as stated in the Indictment?

GÖRING: I have already answered this.

THE PRESIDENT: The Tribunal will adjourn for 10 minutes.

[A recess was taken.]

HERR BOEHM: Mr. President, I should like to ask you to permit me to put one more basic question, namely, the question of honorary leadership.

[Turning to the witness.] There were honorary leaders in the SA, for instance, the Obergruppenführer, Gruppenführer, Brigadeführer, Standartenführer, and Sturmführer. Witness, I should like you to explain to me what the significance of the honorary leader in the organization of the SA was as far as the training of the SA and the issuing of orders to the SA was concerned—what kind of influence he might have had.

GÖRING: The honorary leaders of the SA were appointed for all sorts of reasons and motives. They had an exclusively representative function, that is to say, they took part in party ceremonies wearing the SA uniform. They were by no means active members of the SA, and were not informed of any internal activities of the SA, or of operations and other tasks. Their function was purely decorative.

DR. RUDOLF MERKEL (Counsel for Gestapo): Witness, can one say that the Gestapo in the year 1933, when it was created by you,

was a National Socialist combat unit, or was it rather a state organization such as, for example, the criminal police or other state and Reich authorities?

GÖRING: I have already emphasized that this was a purely state organization built around the already existing political police force, which was merely being reorganized and brought into line with the new state principles. At this time it had not even the slightest connection with the Party. The Party had no influence, or authority to give orders or directives of any sort; it was exclusively a state institution. The members who were in it already, or who came into it, were at this time officials with all the rights and duties of such.

DR. MERKEL: To your knowledge, did the position change in any way between the time the State Police was taken over by Himmler and 1945?

GÖRING: Until 1934 it was exactly as I described it. Then with the further expansion, the SS element did certainly become stronger and perhaps more people from this sector were brought in, but even these—at that time they all had to pass an examination—became and remained officials. I heard later that nothing changed as far as this official character was concerned, but gradually in the course of years all officials, whether they wanted to or not, had, I believe, to take on some rank in the SS, so that a Gestapo official, who perhaps until the year 1939 or 1940 had had nothing to do with the SS, and whose employment dated from the old days—that is, he had been a police official of the Weimar Republic—was automatically given some rank or other in the SS. But he remained an official, that is, the Gestapo was an apparatus for officials in the German police force.

DR. MERKEL: Do you know whether it is true that after the seizure of power Himmler, in his capacity as Police Commissioner of Munich, was at the same time the head of the political police and the criminal police in Bavaria?

GÖRING: As far as I know, and as I have already explained, Himmler was first of all Police Commissioner of Munich. Very shortly afterwards, it may perhaps have been one or two weeks, he called himself Police Commander of Bavaria. Then in the course of one and one half months—it all took place very quickly—he became—what he called himself I do not know exactly—in fact the supreme police chief of all German provinces and free cities, with the exception of Prussia.

DR. MERKEL: You said before that the officials of the Gestapo were taken into the SS. Did this happen voluntarily, or was there some coercion on the part of the administrative authorities to make these officials part of the SS?

GÖRING: I believe—I heard this only from individual officials whom I had known before—that they had to do this. They were not taken into the SS, but they received an official rank in the SS. It was probably Himmler's idea that the SS and the police, both of which were under his leadership, should be amalgamated. How he contemplated that and how it worked out in detail I cannot say. Therefore, I may perhaps have stated some things incorrectly here, but I did it to the best of my knowledge.

DR. MERKEL: You said before that the 1933 officials of the political police existing at that time were taken into the state police. Was this done on the basis of a voluntary application by these officials, or were they commanded or transferred in individual cases without their concurrence?

GÖRING: You are not correct when you say that the officials of the former political police were simply incorporated into the Gestapo; on the contrary, in this sector the weeding out was very drastic, because it was a political police force, and up to then had contained representatives of those parties which were hostile and opposed to us. They had to be removed. Consequently new people came in, especially as its strength was considerably increased. These new officials were taken from the other police departments, from the criminal police and elsewhere, and, as I have already stated, were in some cases brought in from outside as new recruits, and our people were naturally given special consideration. To what extent normal transfers took place—whether Herr Müller was transferred from the criminal police to the Secret State Police, and whether he was asked about this, I really do not know. I believe not. I left that to the head of the Secret State Police. After I had set up the general directives, I could not be bothered with every single official in the criminal police.

DR. MERKEL: Do you know Obergruppenführer Müller, the Chief of Division IV in the Reich Main Security Office?

GÖRING: I knew him.

DR. MERKEL: Did you know that he and his immediate associates came from the Bavarian Political Police, as it existed before 1933?

GÖRING: I did not know that; I knew only that he came from Bavaria.

DR. MERKEL: Do you know that the Secret State Police did not take part in the disturbances on 9 November 1938?

GÖRING: It has always been my conviction that they did not take part in them. I saw a document here which instructed them not to intervene. I do not believe that they took part.

DR. MERKEL: If I understood you correctly, you said recently that on this 9th of November, after your return to Berlin, you at once called up the chief of the Gestapo. Did you make this call only because you wanted more precise information, or did you make it because you thought the Gestapo had taken an active part in these disturbances, had organized them and carried them out?

GÖRING: If I had been convinced that the Gestapo had instigated the disturbances I would certainly not have asked them for information. I gave the order to my collaborators through the police, and in this case through the Gestapo, because they had the necessary connections, or to the criminal police—it was all the same to me. I could address myself only to the Chief of Police, who was Heydrich, and say that I wanted a report quickly on what had happened; a report which merely stated the facts.

DR. MERKEL: It is correct that when you gave up your position as Chief of the Police to Himmler you made the statement that it was unworthy of a German official to ill-treat prisoners, and that you would not fail to deal most severely with any officials who were guilty of such acts?

GÖRING: The speech I made on this occasion is known and it contains such passages.

DR. MERKEL: Do you know that there was an order from the Reich Security Main Office—that is, issued after your resignation—which forbade any official or employee of the state police, under threat of the most severe punishment, to beat prisoners or ill-treat them?

GÖRING: It is possible. I no longer know what orders were issued after my resignation.

DR. MERKEL: Putting this question in the negative, is it known to you that there never was an order to manhandle prisoners or torture them, either at the time when you were chief of the Secret State Police or later?

GÖRING: I can only say with absolute certainty that I did not issue or permit any such order. I no longer know what was or was not issued in this connection at a later date or in provinces other than Prussia.

DR. MERKEL: Do you know anything to the effect that, contrary to these orders, such acts regularly took place in the Gestapo; or rather, if such an act did take place, did it have to do only with individual cases or individual excesses?

GÖRING: At the time when I was still directly connected with the Gestapo such excesses did, as I have openly stated, take place. In order to punish them, one naturally had to find out about them. Punishments were administered. The officials knew that if they did

such things they ran the risk of being punished. A large number of them were punished. I cannot say what the practice was later.

DR. MERKEL: I have no more questions.

HERR LUDWIG BABEL (Counsel for SS): Witness, did the same conditions apply for the appointment of honorary leaders in the SS as in the SA?

GÖRING: Yes, I believe so.

HERR BABEL: Are you familiar with the directives or other regulations regarding the appointment of honorary leaders?

GÖRING: No.

HERR BABEL: Was it possible to refuse the appointment?

GÖRING: Yes, I believe so.

HERR BABEL: Do you know what the reasons were for the expansion of the Waffen-SS into the large permanent organization existing after 1939?

GÖRING: The first divisions of the Waffen-SS, which consisted of the best specially selected human material, fought with outstanding bravery in combat. Consequently the Führer gladly agreed to Himmler's suggestion that still more divisions be set up. The Army and also the Air Force did make some protest, and quite rightly, because this creaming off of the best voluntary material meant that men of that type, who would have made equally good officers, were partly lost to the Army and the Air Force, and therefore they opposed this expansion. Also, in the beginning, the Führer was not very keen to have armed formations of any appreciable size outside the ranks of the Armed Forces, but he gave way more and more. When replacement difficulties became even more acute as the war went on, Himmler more or less deceived the Führer with the statement that he was in a position to provide a large number of SS divisions, that this would create a greater attraction for recruiting, and so on. This, of course, was welcome news to the Führer since he needed troops badly. But in point of fact already at that time Himmler was using altogether different methods which had not much in common with purely voluntary recruiting, and he created first of all on paper a number of new SS divisions and cadres. At that time he had not the men for this. He then told the Führer, "I have transferred my best Unterführer from the other SS divisions to these new ones." For this and other reasons replacements in men did not flow in and the Army and the Air Force, especially the Air Force, were those who bore the brunt of this. I now had to help fill these SS divisions with men from the ground staffs and from the antiaircraft batteries. This aroused much dissatisfaction among the men in the Air Force, because none of them wanted to volunteer

for these formations. But in the end the Führer ordered that men be taken from the reserve units of the Army and, as far as I remember, from naval reserves also. I can speak only for that contingent which was taken from the Air Force by coercion and by command. I should estimate, without reference to official records, that there were at least about 50,000 men and officers. Then, because this aroused such strong feeling, I arranged that all men from the Air Force who were to be used for land fighting in the future should no longer go to the SS, but to the new parachute divisions which were to be formed. The Führer agreed, because in the last phase of the war the parachute divisions proved to be the most trusty and the most distinguished in the whole Armed Forces, and superior to the SS in fighting spirit and power of resistance. From then on no further contingents of the Air Force were incorporated into the SS, and, as far as I know, no more SS divisions were created.

HERR BABEL: I have no further questions.

DR. HANS LATERNSER: Witness, what was the attitude of the General Staff of the Army towards the possibility of being involved in a war with other powers?

GÖRING: Their attitude was, if I may say so, purely professional, that is to say, the General Staff had to study theoretically and practically all the possibilities and contingencies of a war. Its attitude toward its own tasks and conceptions was—I must say this openly—a very reticent and timid one for a general staff. This is probably to be attributed to the fact that most of the General Staff officers had come from the Reichswehr. The whole attitude of mind in this small Reichswehr during the last decade and a half was such that they could hardly imagine that a military clash might come, and consequently a much more pacific attitude than is normally the case with soldiers was to be found among the General Staff of the Army.

DR. LATERNSER: Do you know generals or admirals who urged and incited war?

GÖRING: No.

DR. LATERNSER: I have no further questions.

THE PRESIDENT: Do the Chief Prosecutors wish to cross-examine?

MR. JUSTICE JACKSON: You are perhaps aware that you are the only living man who can expound to us the true purposes of the Nazi Party and the inner workings of its leadership?

GÖRING: I am perfectly aware of that.

MR. JUSTICE JACKSON: You, from the very beginning, together with those who were associated with you, intended to overthrow, and later did overthrow, the Weimar Republic?

GÖRING: That was, as far as I am concerned, my firm intention.

MR. JUSTICE JACKSON: And, upon coming to power, you immediately abolished parliamentary government in Germany?

GÖRING: We found it to be no longer necessary. Also I should like to emphasize the fact that we were moreover the strongest parliamentary party, and had the majority. But you are correct, when you say that parliamentary procedure was done away with, because the various parties were disbanded and forbidden.

MR. JUSTICE JACKSON: You established the Leadership Principle, which you have described as a system under which authority existed only at the top, and is passed downwards and is imposed on the people below; is that correct?

GÖRING: In order to avoid any misunderstanding, I should like once more to explain the idea briefly, as I understand it. In German parliamentary procedure in the past responsibility rested with the highest officials, who were responsible for carrying out the anonymous wishes of the majorities, and it was they who exercised the authority. In the Leadership Principle we sought to reverse the direction, that is, the authority existed at the top and passed downwards, while the responsibility began at the bottom and passed upwards.

MR. JUSTICE JACKSON: In other words, you did not believe in and did not permit government, as we call it, by consent of the governed, in which the people, through their representatives, were the source of power and authority?

GÖRING: That is not entirely correct. We repeatedly called on the people to express unequivocally and clearly what they thought of our system, only it was in a different way from that previously adopted and from the system in practice in other countries. We chose the way of a so-called plebiscite. We also took the point of view that even a government founded on the Leadership Principle could maintain itself only if it was based in some way on the confidence of the people. If it no longer had such confidence, then it would have to rule with bayonets, and the Führer was always of the opinion that that was impossible in the long run—to rule against the will of the people.

MR. JUSTICE JACKSON: But you did not permit the election of those who should act with authority by the people, but they were designated from the top downward continuously, were they not?

GÖRING: Quite right. The people were merely to acknowledge the authority of the Führer, or, let us say, to declare themselves in agreement with the Führer. If they gave the Führer their confidence, then it was their concern to exercise the other functions. Thus, not

the individual persons were to be selected according to the will of the people, but solely the leadership itself.

MR. JUSTICE JACKSON: Now, was this Leadership Principle supported and adopted by you in Germany because you believed that no people are capable of self-government, or because you believed that some may be, not the German people; or that no matter whether some of us are capable of using our own system, it should not be allowed in Germany?

GÖRING: I beg your pardon, I did not quite understand the question, but I could perhaps answer it as follows:

I consider the Leadership Principle necessary because the system which previously existed, and which we called parliamentary or democratic, had brought Germany to the verge of ruin. I might perhaps in this connection remind you that your own President Roosevelt, as far as I can recall—I do not want to quote it word for word—declared, "Certain peoples in Europe have forsaken democracy, not because they did not wish for democracy as such, but because democracy had brought forth men who were too weak to give their people work and bread, and to satisfy them. For this reason the peoples have abandoned this system and the men belonging to it." There is much truth in that statement. This system had brought ruin by mismanagement and according to my own opinion, only an organization made up of a strong, clearly defined leadership hierarchy could restore order again. But, let it be understood, not against the will of the people, but only when the people, having in the course of time, and by means of a series of elections, grown stronger and stronger, had expressed their wish to entrust their destiny to the National Socialist leadership.

MR. JUSTICE JACKSON: The principles of the authoritarian government which you set up required, as I understand you, that there be tolerated no opposition by political parties which might defeat or obstruct the policy of the Nazi Party?

GÖRING: You have understood this quite correctly. By that time we had lived long enough with opposition and we had had enough of it. Through opposition we had been completely ruined. It was now time to have done with it and to start building up.

MR. JUSTICE JACKSON: After you came to power, you regarded it necessary, in order to maintain power, to suppress all opposition parties?

GÖRING: We found it necessary not to permit any more opposition, yes.

MR. JUSTICE JACKSON: And you also held it necessary that you should suppress all individual opposition lest it should develop into a party of opposition?

GÖRING: Insofar as opposition seriously hampered our work of building up, this opposition of individual persons was, of course, not tolerated. Insofar as it was simply a matter of harmless talk, it was considered to be of no consequence.

MR. JUSTICE JACKSON: Now, in order to make sure that you suppressed the parties, and individuals also, you found it necessary to have a secret political police to detect opposition?

GÖRING: I have already stated that I considered that necessary, just as previously the political police had existed, but on a firmer basis and larger scale.

MR. JUSTICE JACKSON: And upon coming to power you also considered it immediately necessary to establish concentration camps to take care of your incorrigible opponents?

GÖRING: I have already stated that the reason for the concentration camps was not because it could be said, "Here are a number of people who are opposed to us and they must be taken into protective custody." Rather they were set up as a lightning measure against the functionaries of the Communist Party who were attacking us in the thousands, and who, since they were taken into protective custody, were not put in prison. But it was necessary, as I said, to erect a camp for them—one, two, or three camps.

MR. JUSTICE JACKSON: But you are explaining, as the high authority of this system, to men who do not understand it very well, and I want to know what was necessary to run the kind of system that you set up in Germany. The concentration camp was one of the things you found immediately necessary upon coming into power, was it not? And you set them up as a matter of necessity, as you saw it?

GÖRING: That was faultily translated—it went too fast. But I believe I have understood the sense of your remarks. You asked me if I considered it necessary to establish concentration camps immediately in order to eliminate opposition. Is that correct?

MR. JUSTICE JACKSON: Your answer is "yes," I take it?

GÖRING: Yes.

MR. JUSTICE JACKSON: Was it also necessary, in operating this system, that you must not have persons entitled to public trials in independent courts? And you immediately issued an order that your political police would not be subject to court review or to court orders, did you not?

GÖRING: You must differentiate between the two categories; those who had committed some act of treason against the new state, or those who might be proved to have committed such an act, were naturally turned over to the courts. The others, however, of whom

one might expect such acts, but who had not yet committed them, were taken into protective custody, and these were the people who were taken to concentration camps. I am now speaking of what happened at the beginning. Later things changed a great deal. Likewise, if for political reasons—to answer your question—someone was taken into protective custody, that is, purely for reasons of state, this could not be reviewed or stopped by any court. Later, when some people were also taken into protective custody for non-political reasons, people who had opposed the system in some other way, I once, as Prussian Prime Minister and Reich Minister of the Interior, I remember...

MR. JUSTICE JACKSON: Let's omit that. I have not asked for that. If you will just answer my question, we shall save a great deal of time. Your counsel will be permitted to bring out any explanations you want to make.

You did prohibit all court review and considered it necessary to prohibit court review of the causes for taking people into what you called protective custody?

GÖRING: That I answered very clearly, but I should like to make an explanation in connection with my answer.

MR. JUSTICE JACKSON: Your counsel will see to that. Now, the concentration camps and the protective custody...

THE PRESIDENT: Mr. Justice Jackson, the Tribunal thinks the witness ought to be allowed to make what explanation he thinks right in answer to this question.

MR. JUSTICE JACKSON: The Tribunal thinks that you should be permitted to explain your answer now, and it will listen to your answers.

THE PRESIDENT: I did not mean that to apply generally to his answers. I meant it to apply to this particular answer.

GÖRING: In connection with your question that these cases could not be reviewed by the court, I want to say that a decree was issued through me and Frick jointly to the effect that those who were turned over to concentration camps were to be informed after 24 hours of the reason for their being turned over, and that after 48 hours, or some short period of time, they should have the right to an attorney. But this by no means rescinded my order that a review was not permitted by the courts of a politically necessary measure of protective custody. These people were simply to be given an opportunity of making a protest.

MR. JUSTICE JACKSON: Protective custody meant that you were taking people into custody who had not committed any crimes but who, you thought, might possibly commit a crime?

GÖRING: Yes. People were arrested and taken into protective custody who had not yet committed any crime, but who could be expected to do so if they remained free, just as extensive protective measures are being taken in Germany today on a tremendous scale.

MR. JUSTICE JACKSON: Now, it is also a necessity, in the kind of state that you had, that you have some kind of organization to carry propaganda down to the people and to get their reaction and inform the leadership of it, is it not?

GÖRING: The last part of that question has not been intelligibly translated.

MR. JUSTICE JACKSON: Well, you had to have organizations to carry out orders and to carry your propaganda in that kind of state, didn't you?

GÖRING: Of course, we carried on propaganda, and for this we had a propaganda organization.

MR. JUSTICE JACKSON: And you carried that on through the Leadership Corps of the Nazi Party, did you not?

GÖRING: The Leadership Corps was there, of course, partly to spread our ideas among the people. Secondly, its purpose was to lead and organize the people who made up the Party.

MR. JUSTICE JACKSON: Through your system of Gauleiter and Kreisleiter down to Blockleiter, commands and information went down from the authority, and information as to the people's reactions came back to the leadership, didn't it?

GÖRING: That is correct. The orders and commands that were to be given for propaganda or other purposes were passed down the grades as far as necessary. On the other hand, it was a matter of course that the reactions of the broad masses of the people were again transmitted upwards, through the various offices, in order to keep us informed of the mood of the people.

MR. JUSTICE JACKSON: And you also had to have certain organizations to carry out orders—executive organizations, organizations to fight for you if necessary, did you not?

GÖRING: Yes, administrative organizations were, of course, necessary. I do not quite understand—organizations to fight what?

MR. JUSTICE JACKSON: Well, if you wanted certain people killed you had to have some organization that would kill them, didn't you? Röhm and the rest of them were not killed by Hitler's own hands nor by yours, were they?

GÖRING: Röhm—the Röhm affair I explained here clearly—that was a matter of State necessity...

MR. JUSTICE JACKSON: I did not ask you...

GÖRING: ... and was carried out by the police.

MR. JUSTICE JACKSON: But when it was State necessity to kill somebody, you had to have somebody to do it, didn't you?

GÖRING: Yes, just as in other countries, whether it is called secret service or something else, I do not know.

MR. JUSTICE JACKSON: And the SA, the SS, and the SD, organizations of that kind, were the organizations that carried out the orders and dealt with people on a physical level, were they not?

GÖRING: The SA never received an order to kill anybody, neither did the SS, not in my time. Anyhow, I had no influence on it. I know that orders were given for executions, namely in the Röhm Putsch, and these were carried out by the police, that is, by a State organ.

MR. JUSTICE JACKSON: What police?

GÖRING: As far as I recall, through the Gestapo. At any rate, that was the organization that received the order. You see, it was a fight against enemies of the State.

MR. JUSTICE JACKSON: And the SS was for the same purpose, was it not?

GÖRING: Not in north Germany at that time; to what extent that was the case in south Germany, where the Gestapo and the SS were still separated, and who carried out the action in south Germany, I do not know.

MR. JUSTICE JACKSON: Well, the SS carried out arrests and carried out the transportation of people to concentration camps, didn't they? You were arrested by the SS, weren't you?

GÖRING: Yes, I say, yes; but later.

MR. JUSTICE JACKSON: At what time did the SS perform this function of acting as the executor of the Nazi Party?

GÖRING: After the seizure of power, when the police came to be more and more in the hands of Himmler. It is difficult for me to explain to an outsider where the SS or where the Gestapo was active. I have already said that the two of them worked very closely together. It is known that the SS guarded the camps and later carried out police functions.

MR. JUSTICE JACKSON: And carried out other functions in the camps?

GÖRING: To what functions do you refer?

MR. JUSTICE JACKSON: They carried out all of the functions of the camps, didn't they?

GÖRING: If an SS unit was guarding a camp and an SS leader happened to be the camp commander, then this unit carried out all the functions.

MR. JUSTICE JACKSON: Now, this system was not a secret system. This entire system was openly avowed, its merits were publicly advocated by yourself and others, and every person entering into the Nazi Party was enabled to know the kind of system of government you were going to set up, wasn't he?

GÖRING: Every person who entered the Party knew that we embraced the Leadership Principle and knew the fundamental measures we wanted to carry out, so far as they were stated in the program. But not everyone who joined the Party knew down to the last detail what was going to happen later.

MR. JUSTICE JACKSON: But this system was set up openly and was well known, was it not, in every one of its details? As to organization, everybody knew what the Gestapo was, did they not?

GÖRING: Yes, everyone knew what the Gestapo was.

MR. JUSTICE JACKSON: And what its program was in general, not in detail?

GÖRING: I explained that program clearly. At the very beginning I described that publicly, and I also spoke publicly of the tasks of the Gestapo, and I even wrote about it for foreign countries.

MR. JUSTICE JACKSON: And there was nothing secret about the establishment of a Gestapo as a political police, about the fact that people were taken into protective custody, about the fact that these were concentration camps? Nothing secret about those things, was there?

GÖRING: There was at first nothing secret about it at all.

MR. JUSTICE JACKSON: As a matter of fact, part of the effectiveness of a secret police and part of the effectiveness of concentration camp penalties is that the people do know that there are such agencies, isn't it?

GÖRING: It is true that everyone knows that if he acts against the state he will end up in a concentration camp or will be accused of high treason before a court, according to the degree of his crime. But the original reason for creating the concentration camps was to keep there such people whom we rightfully considered enemies of the State.

MR. JUSTICE JACKSON: Now, that is the type of government—the government which we have just been describing—the only type of government which you think is necessary to govern Germany?

GÖRING: I should not like to say that the basic characteristic of this government and its most essential feature was the immediate setting up of the Gestapo and the concentration camps in order to take care of our opponents, but that over and above that we had

set down as our government program a great many far more important things, and that those other things were not the basic principles of our government.

MR. JUSTICE JACKSON: But all of these things were necessary things, as I understood you, for purposes of protection?

GÖRING: Yes, these things were necessary because of the opponents that existed.

MR. JUSTICE JACKSON: And I assume that that is the only kind of government that you think can function in Germany under present conditions?

GÖRING: Under the conditions existing at that time, it was, in my opinion, the only possible form, and it also demonstrated that Germany could be raised in a short time from the depths of misery, poverty, and unemployment to relative prosperity.

MR. JUSTICE JACKSON: Now, all of this authority of the State was concentrated—perhaps I am taking up another subject. Is it the intent to recess at this time?

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. STAHMER: The witness Dahlerus has been in Nuremberg for several days and is waiting to testify. He has informed me that he must be in Stockholm again by Thursday without fail. For this reason he requests, and I am asking the High Tribunal's permission, that he be called as a witness tomorrow morning, even if the cross-examination has not been completed. The Prosecution have all agreed to my proposal.

THE PRESIDENT: Did you say the Prosecution had agreed to your proposal?

DR. STAHMER: Yes, My Lord. I contacted the four gentlemen involved and they have agreed to this.

THE PRESIDENT: How long do you anticipate that the examination in chief of the witness will take? You cannot answer for the cross-examination.

DR. STAHMER: I believe that I will need half a day, that is, until tomorrow noon. I cannot say definitely, but it is quite probable it will last as long as that.

THE PRESIDENT: His evidence is relevant only to the few days before the 1st of September 1939?

DR. STAHMER: There are two additional questions, but these questions may be answered very briefly. He seems to have made two further efforts after September, but those are very brief questions.

THE PRESIDENT: It appears to the Tribunal that half a day is a totally unnecessary time for the examination in chief of a witness who is going to speak about events during a few days before the war began.

DR. STAHMER: I would not say that, Mr. President. It is not just a few days. These negotiations started already at the end of June or the beginning of July. I should like to add further that I shall naturally limit myself to such questions as are necessary for the Trial, but these questions should be asked.

THE PRESIDENT: The Tribunal agrees, if the Prosecution is willing for this evidence to be interposed. The Tribunal trusts that you will find it possible to make your examination in chief much shorter than you have indicated.

MR. JUSTICE JACKSON: Witness, you have related to us the manner in which you and others co-operated in concentrating all authority in the German State in the hands of the Führer, is that right?

GÖRING: I was speaking about myself and to what extent I had a part in it.

MR. JUSTICE JACKSON: Is there any defendant in the box you know of who did not co-operate toward that end as far as was possible?

GÖRING: That none of the defendants here opposed or obstructed the Führer in the beginning is clear, but I should like to call your attention to the fact that we must always distinguish between different periods of time. Some of the questions that are being put to me are very general and, after all, we are concerned with a period extending over 24 to 25 years, if a comprehensive survey is to be made.

MR. JUSTICE JACKSON: Now, I want to call your attention to the fruits of this system. You, as I understand it, were informed in 1940 of an impending attack by the German Army on Soviet Russia?

GÖRING: I have explained just how far I was informed of these matters.

MR. JUSTICE JACKSON: You believed an attack not only to be unnecessary, but also to be unwise from the point of view of Germany itself?

GÖRING: At that particular time I was of the opinion that this attack should be postponed in order to carry through other tasks which I considered more important.

MR. JUSTICE JACKSON: You did not see any military necessity for an attack at that time, even from the point of view of Germany?

GÖRING: Naturally, I was fully aware of Russia's efforts in the deployment of her forces, but I hoped first to put into effect the other strategic measures, described by me, to improve Germany's position. I thought that the time required for these would ward off the critical moment. I well knew, of course, that this critical moment for Germany might come at any time after that.

MR. JUSTICE JACKSON: I can only repeat my question, which I submit you have not answered.

Did you at that time see any military necessity for an attack by Germany on Soviet Russia?

GÖRING: I personally believed that at that time the danger had not yet reached its climax, and therefore the attack might not yet be necessary. But that was my personal view.

MR. JUSTICE JACKSON: And you were the Number 2 man at that time in all Germany?

GÖRING: It has nothing to do with my being second in importance. There were two conflicting points of view as regards strategy.

The Führer, the Number 1 man, saw one danger, and I, as the Number 2 man, if you wish to express it so, wanted to carry out another strategic measure. If I had imposed my will every time, then I would probably have become the Number 1 man. But since the Number 1 man was of a different opinion, and I was only the Number 2 man, his opinion naturally prevailed.

MR. JUSTICE JACKSON: I have understood from your testimony—and I think you can answer this "yes" or "no," and I would greatly appreciate it if you would—I have understood from your testimony that you were opposed, and told the Führer that you were opposed, to an attack upon Russia at that time. Am I right or wrong?

GÖRING: That is correct.

MR. JUSTICE JACKSON: Now, you were opposed to it because you thought that it was a dangerous move for Germany to make; is that correct?

GÖRING: Yes, I was of the opinion that the moment—and I repeat this again—had not come for this undertaking, and that measures should be taken which were more expedient as far as Germany was concerned.

MR. JUSTICE JACKSON: And yet, because of the Führer system, as I understand you, you could give no warning to the German people; you could bring no pressure of any kind to bear to prevent that step, and you could not even resign to protect your own place in history.

GÖRING: These are several questions at once. I should like to answer the first one.

MR. JUSTICE JACKSON: Separate them, if you wish.

GÖRING: The first question was, I believe, whether I took the opportunity to tell the German people about this danger. I had no occasion to do this. We were at war, and such differences of opinion, as far as strategy was concerned, could not be brought before the public forum during war. I believe that never has happened in world history.

Secondly, as far as my resignation is concerned, I do not wish even to discuss that, for during the war I was an officer, a soldier, and I was not concerned with whether I shared an opinion or not. I had merely to serve my country as a soldier.

Thirdly, I was not the man to forsake someone, to whom I had given my oath of loyalty, every time he was not of my way of thinking. If that had been the case there would have been no need to bind myself to him from the beginning. It never occurred to me to leave the Führer.

MR. JUSTICE JACKSON: Insofar as you know, the German people were led into the war, attacking Soviet Russia under the belief that you favored it?

GÖRING: The German people did not know about the declaration of war against Russia until after the war with Russia had started. The German people, therefore, had nothing to do with this. The German people were not asked; they were told of the fact and of the necessity for it.

MR. JUSTICE JACKSON: At what time did you know that the war, as regards achieving the objectives that you had in mind, was a lost war?

GÖRING: It is extremely difficult to say. At any rate, according to my conviction, relatively late—I mean, it was only towards the end that I became convinced that the war was lost. Up till then I had always thought and hoped that it would come to a stalemate.

MR. JUSTICE JACKSON: Well, in November 1941 the offensive in Russia broke down?

GÖRING: That is not at all correct. We had reverses because of weather conditions, or rather, the goal which we had set was not reached. The push of 1942 proved well enough that there was no question of a military collapse. Some corps, which had pushed forward, were merely thrown back, and some were withdrawn. The totally unexpected early frost that set in was the cause of this.

MR. JUSTICE JACKSON: You said, "relatively late." The expression that you used does not tell me anything, because I do not know what you regard as relatively late. Will you fix in terms, either of events or time, when it was that the conviction came to you that the war was lost?

GÖRING: When, after 12 January 1945, the Russian offensive pushed forward to the Oder and at the same time the Ardennes offensive had not penetrated, it was then that I was forced to realize that defeat would probably set in slowly. Up to that time I had always hoped that, on the one side, the position at the Vistula toward the East and, on the other side, the position at the West Wall towards the West, could be held until the flow of the new mass produced weapons should bring about a slackening of the Anglo-American air war.

MR. JUSTICE JACKSON: Now, will you fix that by date; you told us when it was by events.

GÖRING: I just said January 1945; middle, or end of January 1945. After that there was no more hope.

MR. JUSTICE JACKSON: Do you want it understood that, as a military man, you did not realize until January of 1945 that Germany could not be successful in the war?

GÖRING: As I have already said, we must draw a sharp distinction between two possibilities: First, the successful conclusion of a war, and second, a war which ends by neither side being the victor. As regards a successful outcome, the moment when it was realized that that was no longer possible was much earlier, whereas the realization of the fact that defeat would set in did not come until the time I have just mentioned.

MR. JUSTICE JACKSON: For some period before that, you knew that a successful termination of the war could only be accomplished if you could come to some kind of terms with the enemy; was that not true?

GÖRING: Of course, a successful termination of a war can only be considered successful if I either conquer the enemy or, through negotiations with the enemy, come to a conclusion which guarantees me success. That is what I call a successful termination. I call it a draw, when I come to terms with the enemy. This does not bring me the success which victory would have brought but, on the other hand, it precludes a defeat. This is a conclusion without victors or vanquished.

MR. JUSTICE JACKSON: But you knew that it was Hitler's policy never to negotiate and you knew that as long as he was the head of the Government the enemy would not negotiate with Germany, did you not?

GÖRING: I knew that enemy propaganda emphasized that under no circumstances would there be negotiations with Hitler. That Hitler did not want to negotiate under any circumstances, I also knew, but not in this connection. Hitler wanted to negotiate if there were some prospect of results; but he was absolutely opposed to hopeless and futile negotiations. Because of the declaration of the enemy in the West after the landing in Africa, as far as I remember, that under no circumstances would they negotiate with Germany but would force on her unconditional surrender, Germany's resistance was stiffened to the utmost and measures had to be taken accordingly. If I have no chance of concluding a war through negotiations, then it is useless to negotiate, and I must strain every nerve to bring about a change by a call to arms.

MR. JUSTICE JACKSON: By the time of January 1945 you also knew that you were unable to defend the German cities against the air attacks of the Allies, did you not?

GÖRING: Concerning the defense of German cities against Allied air attacks, I should like to describe the possibility of doing this as follows: Of itself . . .

MR. JUSTICE JACKSON: Can you answer my question? Time may not mean quite as much to you as it does to the rest of us. Can you not answer "yes" or "no"? Did you then know, at the same time that you knew that the war was lost, that the German cities could not successfully be defended against air attack by the enemy? Can you not tell us "yes" or "no"?

GÖRING: I can say that I knew that, at that time, it was not possible.

MR. JUSTICE JACKSON: And after that time it was well known to you that the air attacks which were continued against England could not turn the tide of war, and were designed solely to effect a prolongation of what you then knew was a hopeless conflict?

GÖRING: I believe you are mistaken. After January 1945 there were no more attacks on England, except perhaps a few single planes, because at that time I needed all my petrol for the fighter planes for defense. If I had had bombers and oil at my disposal, then, of course, I should have continued such attacks up to the last minute as retaliation for the attacks which were being carried out on German cities, whatever our chances might have been.

MR. JUSTICE JACKSON: What about robot attacks? Were there any robot attacks after January 1945?

GÖRING: Thank God, we still had one weapon that we could use. I have just said that, as long as the fight was on, we had to hit back; and as a soldier I can only regret that we did not have enough of these V-1 and V-2 bombs, for an easing of the attacks on German cities could be brought about only if we could inflict equally heavy losses on the enemy.

MR. JUSTICE JACKSON: And there was no way to prevent the war going on as long as Hitler was the head of the German Government, was there?

GÖRING: As long as Hitler was the Führer of the German people, he alone decided whether the war was to go on. As long as my enemy threatens me and demands absolutely unconditional surrender, I fight to my last breath, because there is nothing left for me except perhaps a chance that in some way fate may change, even though it seems hopeless.

MR. JUSTICE JACKSON: Well, the people of Germany who thought it was time that the slaughter should stop had no means to stop it except revolution or assassination of Hitler, had they?

GÖRING: A revolution always changes a situation, if it succeeds. That is a foregone conclusion. The murder of Hitler at this time, say January 1945, would have brought about my succession. If

the enemy had given me the same answer, that is, unconditional surrender, and had held out those terrible conditions which had been intimated, I would have continued fighting whatever the circumstances.

MR. JUSTICE JACKSON: There was an attack on Hitler's life on 20 July 1944?

GÖRING: Unfortunately, yes.

MR. JUSTICE JACKSON: And there came a time in 1945 when Hitler made a will in Berlin whereby he turned over the presidency of the Reich to your co-defendant, Admiral Dönitz. You know about that?

GÖRING: That is correct. I read of this will here.

MR. JUSTICE JACKSON: And in making his will and turning over the Government of Germany to Admiral Dönitz, I call your attention to this statement:

> "Göring and Himmler, quite apart from their disloyalty to my person, have done immeasurable harm to the country and the whole nation by secret negotiations with the enemy which they conducted without my knowledge and against my wishes, and by illegally attempting to seize power in the State for themselves."

And by that will he expelled you and Himmler from the Party and from all offices of the State.

GÖRING: I can only answer for myself. What Himmler did I do not know.

I neither betrayed the Führer, nor did I at that time negotiate with a single foreign soldier. This will, or this final act of the Führer's, is based on an extremely regrettable mistake, and one which grieves me deeply—that the Führer could believe in his last hours that I could ever be disloyal to him. It was all due to an error in the transmission of a radio report and perhaps to a misrepresentation which Bormann gave the Führer. I myself never thought for a minute of taking over power illegally or of acting against the Führer in any way.

MR. JUSTICE JACKSON: In any event you were arrested and expected to be shot?

GÖRING: That is correct.

MR. JUSTICE JACKSON: Now, in tracing the rise of power of the Party you have omitted some such things as, for example, the Reichstag fire of 27 February 1933. There was a great purge following that fire, was there not, in which many people were arrested and many people were killed?

GÖRING: I do not know of a single case where a man was killed because of the Reichstag fire, except that of the incendiary, Van der Lubbe, who was sentenced by the court. The other two defendants in this trial were acquitted. Herr Thälmann was not, as you recently erroneously believed, accused; it was the communist representative, Torgler. He was acquitted, as was also the Bulgarian, Dimitroff. Relatively few arrests were made in connection with the Reichstag fire. The arrests which you attribute to the Reichstag fire are the arrests of communist functionaries. These arrests, as I have repeatedly stated and wish to emphasize once more, had nothing to do with this fire. The fire merely precipitated their arrest and upset our carefully planned action, thus allowing several of the functionaries to escape.

MR. JUSTICE JACKSON: In other words, you had lists of Communists already prepared at the time of the Reichstag fire, of persons who should be arrested, did you not?

GÖRING: We had always drawn up, beforehand, fairly complete lists of communist functionaries who were to be arrested. That had nothing to do with the fire in the German Reichstag.

MR. JUSTICE JACKSON: They were immediately put into execution—the arrests, I mean—after the Reichstag fire?

GÖRING: Contrary to my intention of postponing this action for a few days and letting it take place according to plan, thereby perfecting the arrangements, the Führer ordered that same night that the arrests should follow immediately. This had the disadvantage, as I said, of precipitating matters.

MR. JUSTICE JACKSON: You and the Führer met at the fire, did you not?

GÖRING: That is right.

MR. JUSTICE JACKSON: And then and there you decided to arrest all the Communists that you had listed?

GÖRING: I repeat again that the decision for their arrests had been reached some days before this; it simply meant that on that night they were immediately arrested. I would rather have waited a few days according to plan; then some of the important men would not have escaped.

MR. JUSTICE JACKSON: And the next morning the decree was presented to President Von Hindenburg, suspending the provisions of the constitution which we have discussed here, was it not?

GÖRING: I believe so, yes.

MR. JUSTICE JACKSON: Who was Karl Ernst?

GÖRING: Karl Ernst—whether his first name was Karl I do not know—was the SA leader of Berlin.

MR. JUSTICE JACKSON: And who was Helldorf?

GÖRING: Count Helldorf was the subsequent SA leader of Berlin.

MR. JUSTICE JACKSON: And Heines?

GÖRING: Heines was the SA leader of Silesia at that time.

MR. JUSTICE JACKSON: Now, it is known to you, is it not, that Ernst made a statement confessing that these three burned the Reichstag and that you and Goebbels planned and furnished the incendiary materials of liquid phosphorus and petroleum which were deposited by you in a subterranean passage for them to get, which passage led from your house to the Reichstag building? You knew of such a statement, did you not?

GÖRING: I do not know of any statement by the SA leader Ernst. But I do know of some fairytale published shortly after in the foreign press by Röhm's chauffeur. This was after 1934.

MR. JUSTICE JACKSON: But there was such a passage from the Reichstag building to your house, was there not?

GÖRING: On one side of the street is the Reichstag building, and opposite is the palace of the Reichstag president. The two are connected by a passage along which the wagons run which carry the coke for the central heating.

MR. JUSTICE JACKSON: And, in any event, shortly after this, Ernst was killed without a trial and without a chance to tell his story, was he not?

GÖRING: That is not correct. The Reichstag fire was in February 1933. Ernst was shot on 30 June 1934, because together with Röhm he had planned to overthrow the Government and had plotted against the Führer. He, therefore, had a year and a quarter in which he could have made statements regarding the Reichstag fire, if he had wished to do so.

MR. JUSTICE JACKSON: Well, he had begun to make statements, had he not, and you were generally being accused of burning the Reichstag building? You knew that, did you not? That was the . . .

GÖRING: That accusation that I had set fire to the Reichstag came from a certain foreign press. That could not bother me because it was not consistent with the facts. I had no reason or motive for setting fire to the Reichstag. From the artistic point of view I did not at all regret that the assembly chamber was burned; I hoped to build a better one. But I did regret very much that I was forced to find a new meeting place for the Reichstag and, not being able to find one, I had to give up my Kroll Opera House, that is, the second State Opera House, for that purpose. The opera seemed to me much more important than the Reichstag.

MR. JUSTICE JACKSON: Have you ever boasted of burning the Reichstag building, even by way of joking?

GÖRING: No. I made a joke, if that is the one you are referring to, when I said that, after this, I should be competing with Nero and that probably people would soon be saying that, dressed in a red toga and holding a lyre in my hand, I looked on at the fire and played while the Reichstag was burning. That was the joke. But the fact was that I almost perished in the flames, which would have been very unfortunate for the German people, but very fortunate for their enemies.

MR. JUSTICE JACKSON: You never stated then that you burned the Reichstag?

GÖRING: No. I know that Herr Rauschning said in the book which he wrote, and which has often been referred to here, that I had discussed this with him. I saw Herr Rauschning only twice in my life and only for a short time on each occasion. If I had set fire to the Reichstag, I would presumably have let that be known only to my closest circle of confidants, if at all. I would not have told it to a man whom I did not know and whose appearance I could not describe at all today. That is an absolute distortion of the truth.

MR. JUSTICE JACKSON: Do you remember the luncheon on Hitler's birthday in 1942 at the Kasino, the officers' mess, at the headquarters of the Führer in East Prussia?

GÖRING: No.

MR. JUSTICE JACKSON: You do not remember that? I will ask that you be shown the affidavit of General Franz Halder, and I call your attention to his statements which may refresh your recollection. I read it.

> "On the occasion of a luncheon on the Führer's birthday in 1942, the people around the Führer turned the conversation to the Reichstag building and its artistic value. I heard with my own ears how Göring broke into the conversation and shouted: 'The only one who really knows the Reichstag is I, for I set fire to it.' And saying this he slapped his thigh."

GÖRING: This conversation did not take place and I request that I be confronted with Herr Halder. First of all I want to emphasize that what is written here is utter nonsense. It says, "The only one who really knows the Reichstag is I." The Reichstag was known to every representative in the Reichstag. The fire took place only in the general assembly room, and many hundreds or thousands of people knew this room as well as I did. A statement of this type is utter nonsense. How Herr Halder came to make that statement I do not know. Apparently that bad memory, which also let him down in military matters, is the only explanation.

MR. JUSTICE JACKSON: You know who Halder is?

GÖRING: Only too well.

MR. JUSTICE JACKSON: Can you tell us what position he held in the German Army?

GÖRING: He was Chief of the General Staff of the Army, and I repeatedly pointed out to the Führer, after the war started, that he would at least have to find a chief who knew something about such matters.

MR. JUSTICE JACKSON: Now, the Röhm purge you have left a little indefinite. What was it that Röhm did that he was shot? What acts did he commit?

GÖRING: Röhm planned to overthrow the Government, and it was intended to kill the Führer also. He wanted to follow it up by a revolution, directed in the first place against the Army, the officers' corps—those groups which he considered to be reactionary.

MR. JUSTICE JACKSON: And you had evidence of that fact?

GÖRING: We had sufficient evidence of that fact.

MR. JUSTICE JACKSON: But he was never tried in any court where he would have a chance to tell his story as you are telling yours, was he?

GÖRING: That is correct. He wanted to bring about a Putsch and therefore the Führer considered it right that this thing should be nipped in the bud—not by a court procedure, but by smashing the revolt immediately.

MR. JUSTICE JACKSON: Were the names of the people who were killed in that purge, following the arrest of Röhm, ever published?

GÖRING: Some of the names, yes; but not all of them, I believe.

MR. JUSTICE JACKSON: Who actually killed Röhm? Do you know?

GÖRING: I do not know who personally carried out this action.

MR. JUSTICE JACKSON: To what organization was the order given?

GÖRING: That I do not know either, because the shooting of Röhm was decreed by the Führer and not by me, for I was competent in north Germany.

MR. JUSTICE JACKSON: And who took into custody those who were destined for concentration camps, and how many were there?

GÖRING: The police carried out the arrest of those who were, first of all, to be interrogated, those who were not so seriously

incriminated and of whom it was not known whether they were incriminated or not. A number of these people were released very soon, others not until somewhat later. Just how many were arrested in this connection I cannot tell you. The arrests were made by the police.

MR. JUSTICE JACKSON: The Gestapo, you mean?

GÖRING: I assume so.

MR. JUSTICE JACKSON: And if Milch testified that he saw 700 or 800 in Dachau in 1935, there must have been a very much larger number arrested, since you say many were released. Do you know the number that were arrested?

GÖRING: I state again, I do not know exactly how many were arrested because the necessary arrests, or the arrest of those who were considered as having a part in this, did not go through me. My action ended, so to speak, on the date when the revolt was smashed. I understood Milch a little differently and I sent a note to my counsel in order that it be made clear, through a question whether Milch meant by these 700 people those concerned with the Röhm Putsch or whether he meant to say that he saw altogether 700 arrested persons there. That is the way I understood it. But to clarify this statement we should have to question Milch again, for I believe this number of 500, 600, or 700, to be far too high for the total number of people arrested in connection with the Röhm Putsch.

MR. JUSTICE JACKSON: Among those who were killed were Von Schleicher and his wife. He was one of your political opponents, was he not?

GÖRING: That is right.

MR. JUSTICE JACKSON: And also Erich Klausner, who had been Chief of the Catholic Action of Germany?

GÖRING: Klausner was likewise among those who were shot. Actually, it was Klausner's case which caused me, as I stated recently, to ask the Führer to give immediate orders to cease any further action, since, in my opinion, Klausner was quite wrongfully shot.

MR. JUSTICE JACKSON: And Strasser, who had been the former Number 2 man to Hitler and had disagreed with him in December 1932—Strasser was killed, was he not?

GÖRING: Of Strasser it cannot be said that he was Number 2 man after Hitler. He played an extremely important role within the Party before the seizure of power, but he was banned from the Party already before the seizure of power. Strasser participated in this revolt and he was also shot.

MR. JUSTICE JACKSON: And when it got down to a point where there were only two left on the list yet to be killed, you intervened and asked to have it stopped; is that correct?

GÖRING: No, that is not entirely correct. I made it fairly clear and should like to repeat briefly that not when there were only two left on the list did I intervene; I intervened when I saw that many were shot who were not concerned with this matter. And when I did so, two persons were left who had taken a very active part, and the Führer himself had ordered that they be shot. The Führer was particularly furious with one of them, the chief instigator of the action. What I wanted to make clear was that I said to the Führer, "It is better for you to give up the idea of having these two main perpetrators executed, and put an end to the whole thing immediately." That is what I meant.

MR. JUSTICE JACKSON: What date was that? Did you fix the time?

GÖRING: Yes, I can give you a definite time. As far as I recall, the decisive day was Saturday; on Saturday evening between 6 and 7 o'clock the Führer arrived by plane from Munich. My request to stop the action was made on Sunday, some time between 2 and 3 o'clock in the afternoon.

MR. JUSTICE JACKSON: And what happened to the two men who were left on the list—were they ever brought to trial?

GÖRING: No. One, as far as I remember, was taken to a concentration camp, and the other was for the time being placed under a sort of house arrest, if I remember correctly.

MR. JUSTICE JACKSON: Now, going back to the time when you met Hitler; you said that he was a man who had a serious and definite aim, that he was not content with the defeat of Germany and with the Versailles Treaty; do you recall that?

GÖRING: I am very sorry, the translation was rather defective and I cannot understand it. Please repeat.

MR. JUSTICE JACKSON: When you met Hitler, as I understand your testimony, you found a man with a serious and definite aim, as you said, in that he was not content with the defeat of Germany in the previous war and was not content with the Versailles Treaty.

GÖRING: I think you did not quite understand me correctly here, for I did not put it that way at all. I stated that it had struck me that Hitler had very definite views of the impotency of protest; secondly, that he was of the opinion that Germany must be freed from the dictate of Versailles. It was not only Adolf Hitler; every German, every patriotic German had the same feelings; and I, being an ardent patriot, bitterly felt the shame of the dictate of Versailles, and I allied myself with the man about whom I felt that he

perceived most clearly the consequences of this dictate, and that probably he was the man who would find the ways and means to set it aside. All the other talk in the Party about Versailles was, pardon the expression, mere twaddle.

MR. JUSTICE JACKSON: So, as I understand you, from the very beginning, publicly and notoriously, it was the position of the Nazi Party that the Versailles Treaty must be set aside and that protest was impotent for that purpose?

GÖRING: From the beginning it was the aim of Adolf Hitler and his movement to free Germany from the oppressive fetters of Versailles, that is, not from the whole Treaty of Versailles, but from those terms which were strangling Germany's future.

MR. JUSTICE JACKSON: And to do it by war, if necessary?

GÖRING: We did not debate about that at all at the time. We debated only about the foremost condition, that Germany should acquire a different political structure, which alone would enable her to raise objections to this dictate, this one-sided dictate—everybody always called it a peace, whereas we Germans always called it a dictate—and not merely objections, but such objections as would demand consideration.

MR. JUSTICE JACKSON: That was the means—the means was the reorganization of the German State, but your aim was to get rid of what you call the dictate of Versailles.

GÖRING: Liberation from these terms of the dictate of Versailles, which in the long run would make German life impossible, was the aim and the intention. But by that we did not go as far as to say, "We want to wage war on our enemies and be victorious." Rather, the aim was to suit the methods to the political events. Those were the basic considerations.

MR. JUSTICE JACKSON: And it was for that end that you and all of the other persons who became members of the Nazi Party gave to Hitler all power to make decisions for them, and agreed, in their oath of office, to give him obedience?

GÖRING: Again here are several questions. Question One: The fight against the dictate of Versailles was for me the most decisive factor in joining the Party. For others, perhaps, other points of the program or of the ideology, which seemed more important, may have been more decisive. Giving the Führer absolute powers was not a basic condition for getting rid of Versailles, but for putting into practice our conception of the Leadership Principle. To give him our oath before he became the head of the State was, under the conditions then existing, a matter of course for those who considered themselves members of his select leadership corps. I do not know

and I cannot tell exactly, just how the oath was given before the seizure of power; I can only tell you what I myself did. After a certain period of time, when I had acquired more insight into the Führer's personality, I gave him my hand and said: "I unite my fate with yours for better or for worse: I dedicate myself to you in good times and in bad, even unto death." I really meant it—and still do.

MR. JUSTICE JACKSON: If you would answer three or four questions for me "yes" or "no," then I would be quite willing to let you give your entire version of this thing. In the first place, you wanted a strong German State to overcome the conditions of Versailles.

GÖRING: We wanted a strong State anyhow, regardless of Versailles; but in order to get rid of Versailles the State had, first of all, to be strong, for a weak State never makes itself heard; that we know from experience.

MR. JUSTICE JACKSON: And the Führer principle you adopted because you thought it would serve the ends of a strong State?

GÖRING: Correct.

MR. JUSTICE JACKSON: And this aim, which was one of the aims of the Nazi Party, to modify the conditions of Versailles, was a public and notorious aim in which the people generally joined—it was one of your best means of getting people to join with you, was it not?

GÖRING: The dictate of Versailles was such that every German, in my opinion, could not help being in favor of its modification, and there is no doubt that this was a very strong inducement for joining the movement.

MR. JUSTICE JACKSON: Now, a number of the men who took part in this movement are not here; and, for the record, there is no doubt in your mind, is there, that Adolf Hitler is dead?

GÖRING: I believe there can be no doubt about that.

MR. JUSTICE JACKSON: And the same is true of Goebbels?

GÖRING: Goebbels, I have no doubt about that, for I heard from someone whom I trust completely, that he saw Goebbels dead.

MR. JUSTICE JACKSON: And you have no doubt of the death of Himmler, have you?

GÖRING: I am not certain of that, but I think that you must be certain, since you know much more about it than I, as he died a prisoner of yours. I was not there.

MR. JUSTICE JACKSON: You have no doubt of the death of Heydrich, have you?

GÖRING: I am absolutely certain about that.

MR. JUSTICE JACKSON: And probably of Bormann?

GÖRING: I am not absolutely certain of this. I have no proof. I do not know, but I assume so.

MR. JUSTICE JACKSON: And those are the chief persons in your testimony, who have been mentioned as being responsible—Hitler for everything, Goebbels for inciting riots against the Jews, Himmler, who deceived Hitler, and Bormann, who misled him about his will?

GÖRING: The influence exerted on the Führer varied at different times. The chief influence on the Führer, at least up till the end of 1941 or the beginning of 1942, if one can speak of influence at all, was exerted by me. From then until 1943 my influence gradually decreased, after which it rapidly dwindled. All in all, I do not believe anyone had anything like the influence on the Führer that I had. Next to me, or apart from me, if one can speak of influence at all, Goebbels, with whom the Führer was together quite a good deal, exerted an influence in a certain direction from the very beginning. This influence wavered for a time and was very slight, and then increased greatly in the last years of the war, for it was easy to win influence by means of...

Before the seizure of power and during the years immediately following the seizure of power, Hess had a certain influence, but only in regard to his special sphere. Then, in the course of the years, Himmler's influence increased. From the end of 1944 on this influence decreased rapidly. The most decisive influence on the Führer during the war, and especially from about 1942—after Hess went out in 1941 and a year had elapsed—was exerted by Herr Bormann. The latter had, at the end, a disastrously strong influence. That was possible only because the Führer was filled with profound mistrust after 20 July, and because Bormann was with him constantly and reported on and described to him all matters. Broadly speaking these are the persons who had influence at one time or another.

MR. JUSTICE JACKSON: You took over a special intelligence organization in 1933 which was devoted to monitoring the telephone conversations of public officials and others inside and outside of Germany, did you not?

GÖRING: I have explained that I had erected a technical apparatus which, as you said, monitored the conversations of important foreigners to and from foreign countries—telegrams and wireless communications which were transmitted not only from Germany to foreign countries, but also from one foreign country to the other through the ether, and which were intercepted. It also monitored

telephone conversations within Germany of: (1) all important foreigners; (2) important firms, at times; and (3) persons who for any reason of a political or police nature were to be watched.

In order to prevent any abuse on the part of the police, this department had to obtain my personal permission when it was to listen to telephone conversations. Despite this there could, of course, be uncontrolled tapping of wires at the same time, just as that is technically possible everywhere today.

MR. JUSTICE JACKSON: You kept the results of those reports to yourself, did you not?

GÖRING: No; this was the procedure: These reports in which the Foreign Office was interested were released to the Foreign Office. Those reports which were important to the Führer went to the Führer. Those which were important to the military authorities went to the Minister of War, or to the Air Ministry, or to the Ministry of Economy. I or my deputy decided whether a report was important for this or that office. There was a man there whose job and responsibility it was to see that these secret reports were submitted only to the chief. I could, of course, order at any time that this or that report should be exclusively for my knowledge and not be handed on. That was always possible.

MR. JUSTICE JACKSON: You had a good deal of difficulty with other police authorities who wanted to get possession of that organization, did you not?

GÖRING: That is correct. The police did strive to get this instrument into their hands. But they did not get it from me, and perhaps they kept a watch of their own here and there. But the decisive control which had to be directed through the Ministry of Posts could technically be ordered only by me.

MR. JUSTICE JACKSON: You have listened to the evidence of the Prosecution against all of the defendants in this case, have you not?

GÖRING: Yes.

MR. JUSTICE JACKSON: Is there any act of any of your co-defendants which you claim was not one reasonably necessary to carry out the plans of the Nazi Party?

GÖRING: At present those are only assertions by the Prosecution; they are not yet facts which have been proved. In these assertions there are a number of actions which would not have been necessary.

MR. JUSTICE JACKSON: Will you specify which acts, of which defendants, you claim, are beyond the scope of the plans of the Party?

GÖRING: That is a very difficult question which I cannot answer straight away and without the data.

DR. STAHMER: I object to this question. I do not believe that this is a question of fact, but rather of judgment, and that it is not possible to give an answer to such a general question.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal thinks that the question is somewhat too wide.

MR. JUSTICE JACKSON: You have said that the program of the Nazi Party was to rectify certain injustices which you considered in the Treaty of Versailles; and I ask you whether it is not a fact that your program went considerably beyond any matter dealt with in that Treaty?

GÖRING: Of course, the program contained a number of other points which had nothing to do with the Treaty of Versailles.

MR. JUSTICE JACKSON: I call your attention to a statement in *Mein Kampf* as follows:

> "The boundaries of 1914 do not mean anything for the future of the German nation. They did not constitute a defense in the past nor do they constitute a power in the future. They will not give to the German people inner security or ensure their food supply, nor do these boundaries appear to be favorable or satisfactory from a military point of view."

That is all true, is it not?

GÖRING: I should like to reread the original passage in *Mein Kampf* in order to determine if it is exactly as you have read it. I assume that it is correct. If so, I can reply that this is the text of a public book and not the Party program.

MR. JUSTICE JACKSON: The first country to be absorbed by Germany was Austria, and it was not a part of Germany before the first World War, and had not been taken from Germany by the Treaty of Versailles; is that correct?

GÖRING: For this very reason this point was distinctly separated from Versailles in the program. Austria is directly connected with Versailles only insofar as the right of self-determination, as proclaimed there, was most gravely infringed; for Austria and the purely German population were not allowed the Anschluss which they wanted to see accomplished as early as 1918, after the revolution.

MR. JUSTICE JACKSON: The second territory taken by Germany was Bohemia, then Moravia, and then Slovakia. These were not taken from Germany by the Treaty of Versailles, nor were they part of Germany before the first World War.

GÖRING: As far as the Sudetenland is concerned the same applies as for Austria. The German representatives of the German Sudetenland likewise sat in the Austrian Parliament, and under

their leader, Lottmann, cast the same vote. It is different in the case of the last act, that is, the declaration of the Protectorate. These parts of Czech territory, especially Bohemia and Moravia, were not constituent parts of the smaller German Reich before the Treaty of Versailles, but formerly they had been united to the German Reich for centuries. That is an historical fact.

MR. JUSTICE JACKSON: You still have not answered my question, although you answered everything else. They were not taken from you by the Treaty of Versailles, were they?

GÖRING: Of course Austria was taken away by the Versailles Treaty and likewise the Sudetenland, for both territories, had it not been for the Treaty of Versailles and the Treaty of St. Germain, would have become German territories through the right of the people to self-determination. To this extent they have to do with it.

MR. JUSTICE JACKSON: You have testified, have you not, on interrogation, that it was Hitler's information that the United States would never go to war, even if attacked, and that he counted on the isolationists of that country to keep it out of war?

GÖRING: This interrogation must have been recorded entirely incorrectly. That is the very reason why I refused from the beginning to give my oath to these interrogations before I had been able to look carefully at the German transcript and determine whether it had been correctly understood and translated. Only once, and that was on the part of the Russian Delegation, was a completely correct transcript submitted to me. I signed it page by page and thereby acknowledged it. Now, as far as this statement is concerned, I should like to put it right. I said that, at first, the Führer did not believe that America would intervene in the war, and that he was confirmed in this belief by the attitude of the isolationist press, while I, on the contrary, unfortunately feared from the very beginning that America would in any case intervene in the war. Such nonsense—I hope you will excuse me—as to say that America would not come into the war even if she were attacked, you will understand that I could never have uttered, because, if a country is attacked, it defends itself.

MR. JUSTICE JACKSON: Do you know Axel Wennergren?

GÖRING: He is a Swede whom I have seen two or three times.

MR. JUSTICE JACKSON: You talked with him about this subject, did you not?

GÖRING: About the subject of America's entering the war I can very well have talked with him; it is even probable.

MR. JUSTICE JACKSON: You told him that a democracy could not mobilize and would not fight, did you not?

GÖRING: I did not tell him any such nonsense, for we had one democracy as our chief enemy, namely England, and how this democracy would fight we knew from the last World War, and we experienced it again during this war. When I talked with Wennergren, the war with England was in full swing.

MR. JUSTICE JACKSON: You have testified on interrogation, if I understand you correctly, that there were at all times two basic ideas in Hitler's mind, either to ally himself with Russia and seek increase in living space through the acquisition of colonies, or to ally himself with Britain and seek acquisition of territories in the East. But in view of his orientation, he would very much have preferred to ally himself with Great Britain, is that true?

GÖRING: That is correct. I need only to refer to the book *Mein Kampf*, where these things were set down in thorough detail by Hitler.

MR. JUSTICE JACKSON: Now, as early as 1933 you began a real program to rearm Germany regardless of any treaty limitations, did you not?

GÖRING: That is not correct.

MR. JUSTICE JACKSON: All right; tell us when you started.

GÖRING: After all the proposals of disarmament which the Führer made were refused, that is, shortly after our withdrawal from the disarmament conference he made several proposals for a limitation; but, since these were not taken seriously or discussed, he ordered a complete rearmament. At the end of 1933 already certain slight preparations were started by me personally, to the extent that I had made some inconsiderable preparations in regard to the air and had also undertaken a certain militarization of the uniformed police. But that was done by me personally; I bear the responsibility.

MR. JUSTICE JACKSON: Well, then, the militarization of the police auxiliary was not a state affair. It was your personal affair. What do you mean by that?

GÖRING: Not the auxiliary police, but the municipal police; that is, there was one uniformed police force which had simply police duty on the streets, and a second which was grouped in formations and was at our disposal for larger operations—not created by us, let it be understood, but existing at the time of the seizure of power. This municipal police, which was grouped in units, uniformed, armed, and housed in barracks, I formed very soon into a strong military instrument by taking these men out of the police service and having them trained more along military lines and giving them machine guns and such things, in addition to their

small arms. This I did on my own responsibility. These formations were taken into the Armed Forces as regular Army units when the Armed Forces Law was declared.

MR. JUSTICE JACKSON: I want to ask you some questions from your interrogation of the 17th day of October, 1945. I will first read you the questions and answers as they appear in the interrogations and I shall then ask you whether you gave those answers, and then you can make the explanations if you desire, and I assume you do. The interrogation reads:

"I wanted to ask you today about some of the economic history of the period. When was the armament program first discussed, that is, the rearmament program? What year?

"Answer: Immediately; in 1933.

"Question: In other words, Schacht had assumed the obligation at that time already, to raise funds for the rearmament program?

"Answer: Yes. But, of course, in co-operation with the Minister of Finance.

"Question: During the years 1933 to 1935, before general conscription came in, naturally, the rearmament was a secret rearmament, was it not?

"Answer: Yes.

"Question: So that money that was used outside of the budget would have to be raised by some secret means not to be known to foreign nations?

"Answer: Yes, unless they could be raised from normal Army funds.

"Question: That is to say, you had a small budget for the standing 100,000 man Army which was open, and the rest of the rearmament had to be from secret sources?

"Answer: Yes."

Were you asked those questions and did you give these answers, in substance?

GÖRING: More or less; generally speaking that is correct. I have these remarks to make: Firstly, I was asked when rearmament had been discussed, not when it had been started. It had, of course, been discussed already in the year 1933, because it was clear at once that our government had to do something about it, that is to say, to demand that the others should disarm, and, if they did not disarm, that we should rearm. These things required discussion. The conclusion of the discussion and the formulation into a definite order followed after the failure of our attempts to

get other countries to disarm. As soon as we, or rather the Führer, saw that his proposals would not be accepted under any circumstances, a gradual rearmament, of course, began to take place. There was no reason whatsoever why we should inform the world about what we were doing in the way of rearmament. We were under no obligation to do that, nor was it expedient.

Herr Schacht, in the year 1933 at the very beginning, could not raise any funds because at the start he held no office. He was able to do this only at a later date. And here it was understandable that the funds had to be raised through the Minister of Finance and the President of the Reichsbank according to the wishes and the orders of the Führer, especially as we had left no doubt that, if the other side did not disarm, we would rearm. That had already been set down on our Party program since 1921, and quite openly.

MR. JUSTICE JACKSON: Is it not a fact that on the 21st of May 1935, by a secret decree, Schacht was named Plenipotentiary for the War Economy?

GÖRING: The date—if you will kindly submit the decree to me, then I can tell you exactly. I have not the dates of decrees and laws in my head, especially if they do not have anything to do with me personally; but that can be seen from the decree.

MR. JUSTICE JACKSON: At any event, shortly after he was named, he suggested you as Commissioner for Raw Materials and Foreign Currency, did he not?

GÖRING: If Herr Schacht made this suggestion shortly after his appointment, then that appointment could not have taken place until 1936, because not until the summer of 1936 did Herr Schacht, together with the Minister of War, Von Blomberg, make the proposal that I should become Commissioner for Raw Materials and Foreign Currency.

MR. JUSTICE JACKSON: Well, I ask you if you did not give this answer to the American interrogator on the 10th day of October 1945, referring to Schacht:

> "He made the suggestion that I was to become the Commissioner for Raw Materials and Foreign Currency. He had the idea that, in that position, I could give the Minister for Economics and the President of the Reichsbank valuable support."

How did you give that answer, and is that information correct?

GÖRING: Will you please repeat.

MR. JUSTICE JACKSON: Referring to Schacht, the record shows that you said:

> "He made the suggestion that I was to become the Commissioner for Raw Materials and Foreign Currency. He had the

idea that, in that position, I could give the Minister for Economics and the President of the Reichsbank valuable support."

GÖRING: That is absolutely correct, with the exception of the word "Reichstagspräsident;" that ought to be President of the Reichsbank.

MR. JUSTICE JACKSON: Yes. That is the way I have it.

GÖRING: It sounded like "Reichstagspräsident" over the earphones.

MR. JUSTICE JACKSON: "Moreover, he was very outspoken in the suggestion that he and Blomberg made, that I should be put in charge of the Four Year Plan. However, Schacht's idea was that I did not know very much about economy, and that he could easily hide behind my back."

GÖRING: That I said the other day quite clearly.

MR. JUSTICE JACKSON: Now, from that time on you and Schacht collaborated for some time in preparing a rearmament program, did you not?

GÖRING: From that time on I worked together with Schacht in economic matters and covered the whole field of German economy, including the armament program, which of course was a *sine qua non* for the reassumed German military sovereignty.

MR. JUSTICE JACKSON: And you and he had some jurisdictional differences and executed an agreement settling your different spheres of authority, did you not?

GÖRING: Yes.

MR. JUSTICE JACKSON: And that was in 1937 on the 7th of July, right?

GÖRING: On that day a certain proposal for a settlement was made, but this did not lead to anything final being accomplished. That was because of the nature of the two posts and our personalities. Both of us, I, as Delegate for the Four Year Plan, and Herr Schacht, as Minister of Economics and President of the Reichsbank, were able to exercise very great influence on German economy. As Herr Schacht also had a very strong personality and felt his position keenly, and I likewise was not inclined to hide my light under a bushel, whether we were friends or not we could not help getting in each other's way because of this question of authority, and one of us had finally to give in to the other.

MR. JUSTICE JACKSON: And there came a time when he left the Ministry and the Reichsbank?

GÖRING: First he resigned from the Reich Ministry of Economy in November 1937, and, as far as I know, he resigned as President of the Reichsbank at the end of 1938, but I cannot be certain about that date.

MR. JUSTICE JACKSON: There was no disagreement between you and him that the program of rearmament should be carried through, was there? You disagreed only in the methods of doing it.

GÖRING: I assume that Herr Schacht also, as a good German, was, of course, ready to put all his strength at the disposal of Germany's rearmament, in order that Germany should be strong; and therefore differences could have occurred only in regard to methods, for neither Herr Schacht nor I was arming for a war of aggression.

MR. JUSTICE JACKSON: And after he left the rearmament work he remained as a Minister without Portfolio and sat in the Reichstag for some time, did he?

GÖRING: That is correct. The Führer wished it because, I believe, he wanted in this way to express his recognition of Herr Schacht.

MR. JUSTICE JACKSON: And do you recall the time when you considered the calling up of 15-year-olds, the conscription of 15-year-olds?

GÖRING: During the war you mean?

MR. JUSTICE JACKSON: Yes.

GÖRING: It was a question of Air Force auxiliaries, that is correct. They were 15- or 16-year-olds, I do not remember exactly which, and were called in as Air Force auxiliaries.

MR. JUSTICE JACKSON: I will ask that you be shown Document Number 3700-PS and ask you whether you received from Schacht the letter of which that is a carbon copy.

[The document was handed to the witness.]

GÖRING: Yes, I certainly did receive that letter. The year is not given here; that is missing in the copy.

MR. JUSTICE JACKSON: Could you fix, approximately, the date of its receipt?

GÖRING: It says here 3rd of November, but from the incidents described on the other side, I assume it must be 1943. On this copy the year, strangely enough, is not given, but I believe it was in the year 1943, I received this letter.

MR. JUSTICE JACKSON: Did you reply to Document 3700-PS? Did you reply to this letter?

GÖRING: I cannot say that today with certainty—possibly.

MR. JUSTICE JACKSON: Now, the Four Year Plan had as its purpose to put the entire economy in a state of readiness for war, had it not?

GÖRING: I have explained that it had two tasks to fulfill—1) to safeguard German economy against crises, that is to say, to make it immune from export fluctuations, and, as regards food, from harvest fluctuations, as far as possible; and 2) to make it capable of withstanding a blockade, that is to say, in the light of experiences in the first World War, to put it on such a basis that in a second World War a blockade would not have such disastrous consequences. That the Four Year Plan in this respect was a basic prerequisite for the entire building-up and expansion of the armament industry goes without saying. Without it the rearmament industry could not have been shaped in this way.

MR. JUSTICE JACKSON: To get a specific answer, if possible, did you not say in a letter to Schacht, dated the 18th day of December 1936, that you saw it to be your task, using these words, "within 4 years to put the entire economy in a state of readiness for war"? Did you say that or did you not?

GÖRING: Of course I said that.

MR. JUSTICE JACKSON: Now, do you recall the report of Blomberg in 1937 in which—and you may examine if you wish Document Number C-175—in which he starts his report by saying:

"The general political position justifies the supposition that Germany need not expect an attack from any side."

GÖRING: That may have been quite possible at that moment. I took a most reassuring view of the German situation in 1937. It was after the Olympic games and at that time the general situation was extraordinarily calm. But that had nothing to do with the fact that I felt obliged, quite apart from passing fluctuations from a calmer to a more tense atmosphere, to make German economy ready for war and proof against crises or blockades, for exactly 1 year later incidents of a different nature occurred.

MR. JUSTICE JACKSON: Well now, does not Blomberg continue:

"Grounds for this are, in addition to the lack of desire for war in almost all nations, particularly the Western Powers, the deficiencies in the preparedness for war of a number of states, and of Russia in particular"?

That was the situation in 1937, was it not?

GÖRING: That is the way Herr Von Blomberg saw the situation. Concerning the readiness for war in Russia, Herr Von Blomberg, in the same way as all those representatives of our Reichswehr mentality, was always really mistaken in contrast to the opinion

expressed in other quarters with regard to Russian armaments. This is merely the opinion of Herr Von Blomberg—not the Führer's, not mine, and not the opinion of other leading people.

MR. JUSTICE JACKSON: That, however, was the report of the Commander-in-Chief of the Armed Forces on the 24th of June 1937, was it not?

GÖRING: That is correct.

MR. JUSTICE JACKSON: You organized, 1 month later, the Hermann Göring Works?

GÖRING: Right.

MR. JUSTICE JACKSON: And the Hermann Göring Works were concerned with putting Germany in the condition of readiness for war, were they not?

GÖRING: No, that is not right. The Hermann Göring Works were at first concerned solely with the mining of German iron ore in the region of Salzgitter and in a district in the Oberpfalz, and, after the annexation, with the iron ore works in Austria. The Hermann Göring Works first established exclusively mining and refining plants for this ore and foundries. Only much later steel works and rolling mills were added, that is to say, an industry.

MR. JUSTICE JACKSON: The Hermann Göring Works were a part of the Four Year Plan, were they not?

GÖRING: That is right.

MR. JUSTICE JACKSON: And you have already said that the Four Year Plan had as its purpose to put the economy in a state of readiness for war; and the Hermann Göring Works were organized to exploit ore mining and iron smelting resources and to carry the process through to completed guns and tanks, were they not?

GÖRING: No, that is not correct; the Hermann Göring Works had at first no armament works of their own, but merely produced, as I again repeat, the basic product, steel, crude steel.

MR. JUSTICE JACKSON: Well, at all events, you continued your efforts and on the 8th of November 1943, you made a speech describing those efforts to the Gauleiter in the Führer building at Munich, is that right?

GÖRING: I do not know the exact date, but about that time I made a short speech, one of a series of speeches, to the Gauleiter about the air situation, as far as I remember, and also perhaps about the armament situation. I do not remember the words of that speech, since I was never asked about it until now; but the facts are correct.

MR. JUSTICE JACKSON: Well, let me remind you if you used these terms, refreshing your recollection:

"Germany, at the beginning of the war, was the only country in the world possessing an operative, fighting air force. The other countries had split their air fleets up into army and navy air fleets and considered the air arm primarily as a necessary and important auxiliary of the other branches of the forces. In consequence, they lacked the instrument which is alone capable of dealing concentrated and effective blows, namely, an operative air force. In Germany we had gone ahead on those lines from the very outset, and the main body of the Air Force was disposed in such a way that it could thrust deeply into the hostile areas with strategic effect, while a lesser portion of the air force, consisting of Stukas and, of course, fighter planes, went into action on the front line in the battlefields. You all know what wonderful results were achieved by these tactics and what superiority we attained at the very beginning of the war through this modern kind of air force."

GÖRING: That is entirely correct; I certainly did say that, and what is more, I acted accordingly. But in order that this be understood and interpreted correctly, I must explain briefly:

In these statements I dealt with two separate opinions on air strategy, which are still being debated today and without a decision having been reached. That is to say: Should the air force form an auxiliary arm of the army and the navy and be split up to form a constituent part of the army and the navy, or should it be a separate branch of the armed forces? I explained that for nations with a very large navy it is perhaps understandable that such a division should be made. From the very beginning, thank God, we made the correct, consistent decision to build up a strong—I emphasize the word "strong"—and independent Air Force along with the Army and the Navy; and I described how we passed from a tentative air force to an operative air force.

As an expert I am today still of the opinion that only an operative air force can have a decisive effect. I have also explained, in regard to two- and four-engine bombers, that at first I was quite satisfied with the two-engine bombers because, firstly, I did not have four-engine bombers; and secondly, the operational radius of the two-engine bombers was wide enough for the enemy with whom we had to deal at that time. I further pointed out that the main reason for the swift ending of the campaign in Poland and in the West was the effect of the Air Force.

So that is quite correct.

MR. JUSTICE JACKSON: I remind you of the testimony of the witness Milch, sworn on your behalf, as to a subject on which I have not heard you express yourself. He said:

"I had the impression that already at the time of the occupation of the Rhineland, he, Göring, was worried lest Hitler's policy should lead to war."

Do you remember that?

GÖRING: Yes.

MR. JUSTICE JACKSON: And was it true or false? True or mistaken, perhaps, I should say.

GÖRING: No, I did not want a war and I thought the best way to avoid a war was to be strongly armed according to the well-known adage, "He who has a strong sword has peace."

MR. JUSTICE JACKSON: Well, you are still of that opinion?

GÖRING: I am of that opinion today, now that I see the entanglements more than ever.

MR. JUSTICE JACKSON: And it is true, as Milch said, that you were worried that Hitler's policies would lead to war at the time of the occupation of the Rhineland?

GÖRING: Excuse me, I just understood you to ask whether it is also my opinion today that only a nation that is strongly armed can maintain peace. That is what I meant to answer with my last statement.

If you are connecting this question to the statement of Milch, that I was worried lest the policy of the Führer might lead to war, I should like to say that I was worried lest war might come; and if possible I wanted to avoid it, but not in the sense that the policy of the Führer would lead to it, because the Führer also desired to carry out his program by agreements and diplomatic action.

In regard to the occupation of the Rhineland I was somewhat worried at the time about the reactions; all the same, it was necessary.

MR. JUSTICE JACKSON: And when nothing happened, the next step was Austria?

GÖRING: The one has nothing to do with the other. I never had any misgivings about Austria leading to a war, as I had with the Rhineland occupation, for in the case of the Rhineland occupation I could well imagine that there might be repercussions. But how there could be any repercussions from abroad over the union of two brother nations of purely German blood was not clear to me, especially since Italy, who always pretended that she had a vital interest in a separate Austria, had somewhat changed her ideas. It could not have mattered in the least to England and France, nor could they have had the slightest interest in this union. Therefore I did not see the danger of its leading to a war.

MR. JUSTICE JACKSON: I ask you just a few questions about Austria. You said that you and Hitler had felt deep regret about the death of Dollfuss, and I ask you if it is not a fact that Hitler put up a plaque in Vienna in honor of the men who murdered Dollfuss, and went and put a wreath on their graves when he was there. Is that a fact? Can you not answer that question with "yes" or "no"?

GÖRING: No, I cannot answer it with either "yes" or "no," if I am to speak the truth according to my oath. I cannot say, "Yes, he did it," because I do not know; I cannot say, "No, he did not do it," because I do not know that either. I want to say that I heard about this event here for the first time.

MR. JUSTICE JACKSON: Now, in June of 1937, Seyss-Inquart came to you and State Secretary Keppler, and you had some negotiations.

GÖRING: Yes.

MR. JUSTICE JACKSON: And it was Seyss-Inquart's desire to have an independent Austria, was it not?

GÖRING: As far as I remember, yes.

MR. JUSTICE JACKSON: And Keppler was the man who was sent by Hitler to Vienna at the time of the Anschluss and who telegraphed to Hitler not to march in, do you recall?

GÖRING: Yes.

MR. JUSTICE JACKSON: That is the telegram that you characterized as impudent and senseless from the man who was on the spot, and who had negotiated earlier with Seyss-Inquart, do you recall that?

GÖRING: I did not characterize the telegram with this word which has just been translated to me in German, that is "impudent." I said that this telegram could no longer have any influence and was superfluous, because the troops were already on the move and had their order; the thing was already underway.

MR. JUSTICE JACKSON: You had demanded that Seyss-Inquart be made Chancellor? Is that right?

GÖRING: I did not desire that personally, but it arose out of the circumstance that at that time he was the only man who could assume the Chancellorship because he was already in the Government.

MR. JUSTICE JACKSON: Now, did Seyss-Inquart become Chancellor of Austria with the understanding that he was to surrender his country to Germany, or did you lead him to believe that he would be independent, have an independent country?

GÖRING: I explained the other day that even at the time when he left by plane the next morning, the Führer himself had still not made up his mind as to whether the union with Austria should not be brought about by means of a joint head of state. I also said that I personally did not consider this solution far-reaching enough and that I was for an absolute, direct, and total Anschluss.

I did not know exactly what Seyss-Inquart's attitude was at this time. Nevertheless I feared that his attitude was rather in the direction of continued separation with co-operation, and did not go as far as my attitude in the direction of a total Anschluss. Therefore I was very satisfied when this total Anschluss crystallized in the course of the day.

MR. JUSTICE JACKSON: I respectfully submit that the answers are not responsive, and I repeat the question.

Did Seyss-Inquart become Chancellor of Austria with an understanding that he would call in the German troops and surrender Austria to Germany, or did you lead him to believe that he could continue an independent Austria?

GÖRING: Excuse me, but that is a number of questions which I cannot answer simply with "yes" or "no."

If you ask me, "Did Seyss-Inquart become Chancellor according to Hitler's wishes and yours?"—yes.

If you then ask me, "Did he become Chancellor with the understanding that he should send a telegram for troops to march in?"—I say, "No," because at the time of the Chancellorship there was no question of his sending us a telegram.

If you ask me, thirdly, "Did he become Chancellor on the understanding that he would be able to maintain an independent Austria?" —then I have to say again that the final turn of events was not clear in the Führer's mind on that evening.

That is what I tried to explain.

MR. JUSTICE JACKSON: Is it not true that you suspected that he might want to remain as independent as possible, and that that was one of the reasons why the troops were marched in?

GÖRING: No. Excuse me, there are two questions: I strongly suspected that Seyss-Inquart wanted to be as independent as possible. The sending of troops had nothing at all to do with that suspicion; not a single soldier would have been needed for that. I gave my reasons for the sending of the troops.

MR. JUSTICE JACKSON: But it was never intimated to Seyss-Inquart that Austria would not remain independent until after—as you put it—the Führer and you were in control of Austria's fate? Is that a fact?

GÖRING: That was certainly not told him beforehand by the Führer. As far as I was concerned, it was generally known that I desired it, and I assume that he knew of my attitude.

MR. JUSTICE JACKSON: Now, you have stated that you then, in conversation with Ribbentrop in London, stressed that no ultimatum had been put to Seyss-Inquart, and you have said that legally that was the fact.

GÖRING: I did not say "legally," I said "diplomatically."

THE PRESIDENT: Is that a convenient time to break off?

MR. JUSTICE JACKSON: Yes, Your Honor.

[The Tribunal adjourned until 19 March 1946 at 1000 hours.]

EIGHTY-FIFTH DAY

Tuesday, 19 March 1946

Morning Session

DR. STAHMER: With the permission of the Tribunal, I shall call as witness the civil engineer, Birger Dahlerus of Stockholm.

[The witness Dahlerus took the stand.]

THE PRESIDENT: Will you state your name?

BIRGER DAHLERUS (Witness): Birger Dahlerus.

THE PRESIDENT: Will you repeat this oath after me:

I swear by God—the Almighty and Omniscient—that the evidence I shall give shall be the truth—the whole truth—and nothing but the truth—so help me God.

[The witness repeated the oath.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHMER: Mr. Dahlerus, would you please tell the Court how you, as a private person and a Swedish citizen, came to work for an understanding between England and Germany?

DAHLERUS: I knew England very well, since I had lived there for 12 years, and I also knew Germany very well. I had been able to observe the first World War from both sides, as I stayed both in Germany and in England during that time.

During a visit to England at the end of June 1939, I traveled around a number of cities, Birmingham, Coventry, Manchester, and London, and I found everywhere an absolute determination that the British would tolerate no further aggressive acts on the part of Germany.

On 2 July I met some friends in the Constitutional Club. We discussed the current situation and they gave a pretty clear picture of public opinion in Great Britain.

As this summary of public opinion in Great Britain was the basis for my discussions afterward with Göring, I think I should quote it.

"Outline of conclusions reached by observation of conditions in Great Britain and by conversations with people of the country:

"A. Agreement that Berchtesgaden and Czechoslovakia have shaken confidence, and that immediately after Berchtesgaden,

before Czechoslovakia could possibly be in a position to accomplish by co-operation many things already decided upon by Germany.

"B. Public opinion in Great Britain now extremely bitter. It is resolved: so far and no farther.

"C. Great Britain from now on has obligations which did not exist at time of Berchtesgaden meeting. Poland and Danzig: An attack on Danzig means war with Poland and Britain. Great Britain will be involved automatically as a consequence of its obligations. Hence, automatically, war with Great Britain.

"D. Great Britain does not make her strength known; this is not even known to the British public."

Then follows Statement Number 2, about Lord Halifax's speech:

"My personal observations indicate that England stands firmly behind its declarations. . . ."

THE PRESIDENT: One moment. I am afraid the Russian is coming through on the French again. I am afraid the Tribunal must adjourn then.

[A recess was taken.]

THE PRESIDENT: Before the witness goes on with his evidence, the Tribunal want me to say that the system by which the earphones are connected with the interpreters was checked over after the Court rose last night, was checked over again at 9:30 this morning, and again at 9:55 this morning. But everyone who comes into this court must realize that it has not been possible to bury these cables so as to make them altogether safe. It is, therefore, of the very greatest importance that everybody who comes into this court should take real care to avoid, if possible, treading upon these cables, which may become injured by being kicked and broken, and in that way the faults in the system occur.

Everything is being done to maintain the system as efficiently as possible. It, therefore, rests with those who use this court to see that they do their best to assist in keeping the system efficient.

DR. STAHMER: Mr. Dahlerus, would you please continue.

DAHLERUS: Point Number 2: Lord Halifax's speech:

"Personal observations indicate that England stands firmly behind its declaration. Lord Halifax underestimates England's situation, which is customary with the British; that is, he makes out the state of the strength of Great Britain to be weaker than it actually is. Perhaps in Germany this is not fully realized.

"Point Number 3: England wants peace, but not peace at any price. The German people are quite acceptable to the British, and there seems to be no good reason for an armed conflict. As before, Germany will certainly be defeated again, and will accomplish far less by war then by peaceful negotiations. England and her friends will likewise have to suffer much; possibly it will mean the end of civilization."

Having observed that there was a disinclination in the Third Reich to forward unfavorable reports, I felt both that it was my duty and that it might be of great value if these clear expressions of British opinion were to be transmitted to the highest quarters in Germany.

DR. STAHMER: Mr. Dahlerus, may I interrupt with a question? Were these friends of yours members of the British Parliament?

DAHLERUS: No, they were people from the business world, and if the Tribunal desires, I can submit a list of the names.

DR. STAHMER: What were their names?

DAHLERUS: May I save time and submit the list of names to the Tribunal?

THE PRESIDENT: Their names are not of any great importance, are they, if they were people in the business world?

DAHLERUS: After having agreed with my friends on the advisability of a trip to Germany, I left for Germany and received an appointment with Göring for 6 July at 4 o'clock in the afternoon, at Karinhall.

I told him what I had observed in England and strongly emphasized the necessity of doing everything to avoid the possibility of a war. Göring expressed doubts as to whether these observations were not perhaps an attempt by the English to bluff. He likewise pointed out that he was of the opinion that England wanted to control developments on the Continent.

I told him that I did not want him to accept statements of mine, of a neutral citizen, and I suggested to him that a meeting should be arranged where he and some other members of the German Government might have the opportunity of meeting British citizens who had absolute knowledge of conditions. I suggested that such a meeting could well take place in Sweden, possibly on the invitation of the King of Sweden, or the Swedish Government.

On 8 July I received from Göring a reply that Hitler had agreed to this plan, and I left for Sweden to ascertain whether it would be possible to make such an arrangement in Sweden.

The Swedish Government, for certain reasons, considered it inadvisable for the Swedish King or the Swedish Government, to

extend such an invitation, but they had no objections to private persons arranging such a meeting.

Count Trola Wachmeester willingly placed his castle, Trola Beelda, at the disposal of such a meeting. I left then on 19 July for London to begin the preparations.

THE PRESIDENT: Dr. Stahmer, can you not take the witness on, in order to save time, to the actual negotiations? All these preliminaries do not seem to the Tribunal to be very important. Can you not take him on to the actual negotiations?

DR. STAHMER: Yes, he will come directly to the meeting, to the preliminary meeting that took place on 7 August at Soenke Nissen Koog.

Witness, will you tell us of the meeting. You were about to state that on 19 July you flew to London and there, on the 20th met Lord Halifax?

DAHLERUS: Yes.

DR. STAHMER: I consider this statement very material. Would you tell the Tribunal of the content of this meeting with Lord Halifax?

DAHLERUS: I met Lord Halifax on 20 July. He said particularly that he did not want any members of the British Government or Parliament to participate. However, His Majesty's Government would await the results of the meeting with the greatest interest. The meeting took place at Soenke Nissen Koog, in Schleswig Holstein, near the Danish border. The house belongs to my wife. Seven Englishmen, Göring, Bodenschatz, and Dr. Schoettl were present.

DR. STAHMER: On what day was this?

DAHLERUS: It was on 7 August, and the meeting started at 10 o'clock. The meeting started with Göring's request to the Englishmen to put to him any questions they desired. Then, a long discussion took place on political developments, particularly with reference to relations between Great Britain and Germany. Finally, both sides came to the question of Munich and the events after Munich. The English representatives emphasized that the policy of aggression in Europe would have to cease. Then the question of the Corridor and Danzig was discussed.

The Englishmen made it perfectly clear that if Germany were to try with force to occupy any foreign territory, the British Empire, in accordance with its obligations to Poland, would stand at the side of Poland.

Göring indicated, on his word of honor as a statesman and a soldier, that although he had the control and command of the strongest air force in the world and might be tempted to lead this

air force into battle, he would do everything in his power to prevent a war.

The result of the meeting was that all present agreed on the fact that it would be of the greatest value if a meeting could be arranged as soon as possible by representatives of England and Germany. The conference ended late at night, but next morning the English delegates suggested that such a conference should be extended to include four nations, Great Britain, France, Italy, and Germany. I went to Sylt, where Göring was staying, and he was prepared to consent, in the name of Germany, to this modified proposal.

DR. STAHMER: Did English Members of Parliament participate in this meeting?

DAHLERUS: No, English businessmen only.

DR. STAHMER: Was a full report on this visit given to Lord Halifax?

DAHLERUS: The English participants left Germany early on 9 August and immediately on their return submitted a report to the Foreign Office.

DR. STAHMER: Did this meeting that was planned then materialize, or how did the matter further develop?

DAHLERUS: I received a confirmation from Göring personally that Hitler agreed to such a conference. The matter was then discussed in London, and on 19 August, a request came to me to go to Paris, evidently to receive a reply from the British side. Before I left, on 21 August, I was informed that a commercial agreement had been concluded between Russia and Germany. On the following day this was extended to an agreement covering other political questions. On 23 August I was requested by Göring, who telephoned me in the morning at 10:30 to come to Berlin, if possible, at once.

DR. STAHMER: Did he, during this conversation, point out the gravity of the situation?

DAHLERUS: Yes. Göring stated that the situation had in the meantime become very serious.

DR. STAHMER: When did you meet Göring then?

DAHLERUS: I arrived in Berlin on the 24th and saw Göring at 2 o'clock in the afternoon.

DR. STAHMER: What was the subject of your discussion?

DAHLERUS: He told me that the situation had become very serious owing to the fact that no agreement had been reached between Poland and Germany. He asked me whether I could not go to London and explain the situation there.

DR. STAHMER: Were you to point out there in particular that Germany was prepared to come to an understanding with England?

DAHLERUS: Yes. Göring stated that Germany wanted to come to an understanding with England.

DR. STAHMER: Then when did you leave for London?

DAHLERUS: The following morning, on the 25th, a Friday.

DR. STAHMER: Did this trip take place with Hitler's agreement?

DAHLERUS: That I cannot say.

DR. STAHMER: With whom then did you have a discussion in London on the evening of the 25th?

DAHLERUS: The important meeting took place late in the afternoon at 6:30 with Lord Halifax.

DR. STAHMER: What did Halifax tell you on this occasion?

DAHLERUS: He informed me that on the same day Henderson had spoken with Hitler, and that Henderson was expected in London on Saturday, the 26th. He expressed the hope then that now the official channels were open an agreement might really become possible. He thanked me for my efforts, and assured me that he did not think my services would be required any longer.

DR. STAHMER: Did you on the same evening have a telephone conversation with Göring?

DAHLERUS: Yes.

DR. STAHMER: What was discussed?

DAHLERUS: At 8 o'clock in the evening I tried to reach him on the telephone, but only after I had obtained help from the Foreign Office was I able to establish the connection. Göring revealed to me then that the situation had become extremely serious and asked me to do everything in my power to arrange a conference between representatives of England and Germany.

DR. STAHMER: Did you inform Lord Halifax of this conversation?

DAHLERUS: Yes. Mr. Roberts of the Foreign Office received the exact wording of our conversation, and before midnight Lord Halifax had the report in his hands.

DR. STAHMER: Did you then on the next morning, that is on Saturday, 26 August, have another conversation with Lord Halifax? What was the nature of that conversation?

DAHLERUS: I met Lord Halifax on Saturday, the 26th at 11 o'clock. I told him that I had learned that the German Government was trying to bring about a decision with all haste. And I stressed the importance of such an attempt in order to make it clear

to him that in such a serious situation it was necessary to proceed with greatest sense of responsibility and care. I asked him to emphasize to the German Government that the British Government wanted an understanding.

DR. STAHMER: Did anyone state that Göring was the only man on the German side who could prevent war?

DAHLERUS: Well, I personally had the impression that Göring was the member of the German Government who was most probably working for peace. I had this impression from the conversations that I had with him.

DR. STAHMER: What suggestion did you make then to Lord Halifax?

DAHLERUS: I suggested to Lord Halifax that he should write a letter to Göring. I would go at once to Berlin and deliver it to him personally.

DR. STAHMER: Was your suggestion taken?

DAHLERUS: Yes, Lord Halifax conferred with Chamberlain, and afterwards wrote an excellent letter in which he indicated in very clear and distinct words the desire of his Majesty's Government to bring about a peaceful settlement.

DR. STAHMER: Did you then fly back to Berlin with this letter?

DAHLERUS: Yes. I arrived in Berlin in the evening, and met Göring at about 10 o'clock that evening.

DR. STAHMER: Describe to the Tribunal the purport of this conversation that you had as a consequence of your talk with Halifax.

DAHLERUS: I met Göring in his train which was just on the way to headquarters. I told him how matters looked in London and emphasized that there was no doubt that, if the German Government proceeded against Danzig, it would immediately be at war with England, but that I was convinced that the German Government was prepared to do everything in its power to avert the crisis. After I had said this to him, I handed him the letter. He tore it open, and after having read it, he placed it before me and asked me to translate it exactly, because it was of greatest importance that the contents should be understood correctly. He sent for his adjutant to come immediately, but the train stopped at the next station, and he declared that in his opinion Hitler must be informed immediately of the contents of this letter. I followed him in a car to Berlin, and exactly at 12 o'clock, midnight, we arrived at the Reich Chancellery. Göring went in immediately to talk with Hitler, and I went to my hotel.

DR. STAHMER: That was then on 27 August, in the night, was it not, or early in the morning on 27 August?

DAHLERUS: Yes.

DR. STAHMER: Did you then have a further conversation with Hitler?

DAHLERUS: I was visited by two officers at a quarter past twelve, midnight, who requested me to go with them immediately to Hitler. I was received by him immediately upon my arrival. He was alone with Göring.

DR. STAHMER: Will you describe this conversation somewhat more exactly in detail.

DAHLERUS: Hitler began, in his usual way to describe German policy to me at length. That lasted about 20 minutes, and I thought that my visit would not prove useful. When he inveighed against the English and England, I interrupted him and stated that I had worked in Great Britain, as a workman, as an engineer, and as a manager of industrial enterprises, that I knew the English people well, and that I could not agree with his statements. A long discussion resulted. He asked many questions about England and the English people. Thereafter, he began to explain to me how well equipped the German fighting forces were. Then he seemed very excited, walked up and down the room, and in the end got himself into a very agitated condition and told me that, if it came to a war, he would build U-boats, U-boats, and more U-boats. He seemed really to speak as though he were not aware that there was still anybody in the room. After a while he shouted that he would build airplanes, airplanes, and still more airplanes, and that he would win the war. Then he calmed down again and talked again about England and said, "Herr Dahlerus, tell me please, why I have not been able to arrive at an agreement with the British Government. You seem really to know England so well. Perhaps you can solve the riddle for me?" I hesitated at first, but then I told him that, with my intimate knowledge of the English people, I was personally of the opinion that their lack of confidence in him and his Government was the reason.

The conversation continued. He gave me a long report on his discussions on Friday with Henderson, and finally he asked me to go to London at once and explain his viewpoint. I refused, naturally, and told him that I could not go there as an emissary of Germany. If, however, the British Government expressed the wish that I should come, I would, of course, be prepared to do this. The condition was such, however, that I must know definitely what conditions and proposals he had to make. We spent an hour and a half, during which he explained the various points in greater detail than he had been able to do with Henderson.

DR. STAHMER: What proposals were you specifically to make?

DAHLERUS: In condensed form, they were as follows:

(1) Germany wanted an agreement or an alliance with England.

(2) England was to help Germany in the annexation of Danzig and the Corridor.

(3) Germany gave the assurance that it would guarantee Poland's boundaries.

(4) An agreement should be reached on Germany's colonies.

(5) Adequate guarantees should be given for the treatment of German minorities.

(6) Germany gave its word to defend the British Empire with the German Wehrmacht wherever it should be attacked.

DR. STAHMER: Mr. Dahlerus, regarding Point 2, was not Poland assured of a free harbor in Danzig? You may want to add something as to what assurance Poland was to receive. That was Point 2?

DAHLERUS: Yes. This was, of course, only an outline. These proposals were naturally far more extensive.

DR. STAHMER: Is it correct that Poland was to receive a free harbor in Danzig, that it was to receive a corridor to Gdynia, according to the proposals?

DAHLERUS: That was what Hitler said.

DR. STAHMER: Yes, thank you. What was the further course of the conversation?

DAHLERUS: I left on a special plane the next morning, after I had got in touch with London. I met Mr. Chamberlain, Lord Halifax, Sir Horace Wilson, and Sir Alexander Cadogan.

DR. STAHMER: This was on 27 August, was it not?

DAHLERUS: On 27 August, yes.

DR. STAHMER: Where?

DAHLERUS: In Downing Street, Number 10.

DR. STAHMER: What transpired in this conference with Lord Halifax and Mr. Chamberlain?

DAHLERUS: We discussed in full detail the proposals I had brought. On certain points, as is seen from the British *Blue Book,* these proposals were not the same as those made to Henderson. I therefore suggested to the British Government that, if they had full confidence in me as an intermediary, they should tell me how far they could accept the proposals and how far not. I would go back to Berlin the same day and discuss the English views with Hitler and Göring. They should keep Henderson in London until Monday, so that the answer could be given after they had been informed how Hitler regarded the English standpoint.

DR. STAHMER: Did you also have a conference that day with Sir Alexander Cadogan?

DAHLERUS: After the meeting with the members of the Government that I have mentioned, I had a long conversation with Cadogan.

DR. STAHMER: Did you receive certain proposals from him?

DAHLERUS: Yes.

DR. STAHMER: What were they?

DAHLERUS: I must say that the English made the greatest effort to deal in a fair and peaceable way with the various points. Naturally, Point 6, the offer to defend the British Empire, was rejected. Similarly, they did not want to have any discussion on the colonies as long as Germany was not demobilized. With regard to the Polish boundaries, they wanted these boundaries to be guaranteed by the five great powers: Russia, Germany, England, France, and Italy.

Concerning the Corridor, they proposed that negotiations with Poland be undertaken immediately.

With reference to the first point, England was willing in principle to come to an agreement with Germany.

DR. STAHMER: Did you then return to Germany with these proposals?

DAHLERUS: Yes; after I had telephoned Berlin. As the English Government had promised to send Henderson back the same day, I obtained confirmation from Berlin that they were agreeable to Henderson's returning only on Monday. I left that same evening and shortly before midnight was back in Berlin.

DR. STAHMER: Did you have a conversation there with Göring?

DAHLERUS: I met Göring about 11:10 on Sunday evening and told him the results.

DR. STAHMER: Can you describe that conversation somewhat more in detail?

DAHLERUS: He did not consider the reply very favorable. I told him, however, that in view of the events of the last year he could hardly expect the English to be satisfied with the guarantees of Poland's boundaries by Germany only. With reference to the colonial question, I made it clear to him that any British Government would be overthrown at once that tried to force this point in Parliament as long as Germany's forces were mobilized.

In reference to the sixth point, I tried to make it clear to him that England, or the British Empire, preferred to look after their own affairs themselves. Finally he said that it would probably be

better if he talked with Hitler alone. He went immediately to the Reich Chancellery and I went to my hotel. At about 1 o'clock on Monday morning, the 26th, I received a telephone call and heard that Hitler would accept the English standpoint provided that the reply expected from Henderson on the next day was, in general, what I had said.

DR. STAHMER: Did you then, that same night, go to the British Embassy?

DAHLERUS: Yes. I went straight to the British Embassy and gave Sir Ogilvie Forbes a report of the results of my conversation with Göring, and he cabled to London at once.

DR. STAHMER: Did you inform Göring of the substance of this conversation that you had with Forbes?

DAHLERUS: Of course. I acted quite openly, and therefore I told Göring what I planned to do. The German Government knew, indeed, that I would have this conversation with Forbes.

DR. STAHMER: When did you see Göring again then?

DAHLERUS: I saw him again on Monday, the 28th, in the morning, at his headquarters.

DR. STAHMER: It must have been Tuesday morning, was it not?

DAHLERUS: No, Monday morning. It was Monday morning, the 28th.

DR. STAHMER: What was said during this conversation with Göring?

DAHLERUS: In general, we discussed the situation. He seemed to be satisfied that Forbes had cabled London.

DR. STAHMER: Did you visit Forbes again then?

DAHLERUS: Yes, I saw Forbes later. But that was of no significance any longer.

DR. STAHMER: And you met Göring again on Tuesday, did you not, on Tuesday morning?

DAHLERUS: Well, the most important development was that on Tuesday morning, or at 1:15, that is, shortly after midnight, on the 29th, I received a telephone call from the Reich Chancellery, made at Göring's request by Lieutenant Colonel Konrad. He told me that Henderson had submitted his reply in writing, that it was highly satisfactory, and there was every hope that the threat of a war was past.

I met Göring again then and he told me that he was highly pleased that the matter had developed so well.

DR. STAHMER: Did he not make a statement of this kind: "We shall have peace; peace is assured?"

DAHLERUS: Yes. He said something similar to that.

DR. STAHMER: Then sometime on 29 August you were called up again by Göring, were you not? What occasioned this?

DAHLERUS: I was in my hotel, late in the evening, about 10:30. Forbes called me up and said he had to see me at once. He came to my hotel and said that Henderson and Hitler had had a meeting on Tuesday evening which had taken a very unsatisfactory course. They had parted after a big quarrel. He asked me what I could suggest under these circumstances.

During our conversation I was called on the phone by Göring, and he asked me to come to his house immediately. He told me the same story and seemed very upset at the development. He showed me the German reply to the British note and went through it point by point. He tried to explain to me the reasons for the contents of this note. Finally he told me I should go back to London again immediately and make every effort to explain this unfortunate incident to the British Government. He concluded then by saying that Hitler was busy, and that he was working out a proposal for Poland which should probably be ready the next day.

After a talk with Sir Kingsley Wood, the Air Minister, about another visit to England, I left again by plane on Wednesday morning at 5 o'clock. Immediately after my arrival in London I met the same members of the British Government.

DR. STAHMER: Who were they?

DAHLERUS: The same personages, Mr. Chamberlain, Lord Halifax, Sir Horace Wilson, Sir Alexander Cadogan.

DR. STAHMER: What was said in this discussion?

DAHLERUS: It was obvious that by that time the British Government had become highly mistrustful, and rather inclined to assume that whatever efforts they might make, nothing would now prevent Hitler from declaring war on Poland. The British Government had made the greatest effort. They had expressed the wish through their ambassador in Warsaw that the Polish Government should exert the greatest effort to avoid any border incidents. They explained to me at the same time that it was hardly fair to expect the Polish Government to send delegates to Berlin to negotiate, when it was known what experience other countries had had in the past years when they had been in Berlin on similar missions.

I telephoned Berlin, and asked to be connected with Göring, in order to persuade him to arrange a meeting of the delegates outside Germany. He merely said, however, that this was impossible; that

Hitler was in Berlin, and the meeting would have to take place in Berlin. It was said, too, that proposals had been made to Poland, and that the members of the British Government viewed these proposals with the greatest suspicion. The entire Polish Government was to meet in the afternoon, and would cable the result of the session to Berlin. In the meantime I returned to Berlin.

DR. STAHMER: When did you meet Göring there?

DAHLERUS: I met Göring . . .

THE PRESIDENT: Can you not make this a little bit shorter, Dr. Stahmer?

DR. STAHMER: I believe this testimony is quite short, considering that it deals with the essential circumstances leading to war. However, I think that we shall not take too much more of the Tribunal's time.

THE PRESIDENT: Mr. Dahlerus, the Tribunal wish you to come to the crucial matter as soon as possible.

DAHLERUS: I met Göring shortly after midnight on Wednesday, and he told me the nature of the proposals made to Poland. He showed me the note. I called up Forbes to give him this information. He then told me that Ribbentrop had refused to give him the note, after he had read it through very quickly. I went to Göring immediately and told him it was impossible to treat the ambassador of an empire like Great Britain in this way. I suggested to him that he should allow me to telephone Forbes and give Forbes the contents of the note on the telephone. I did this at about 1 o'clock on Thursday morning.

DR. STAHMER: Did Göring not emphasize that he was taking a great responsibility on himself in giving you this permission?

DAHLERUS: Yes. Göring emphasized that he was doing this on his own responsibility.

DR. STAHMER: Did you then on the next morning go to the British Embassy in order to convince yourself as to whether your telephonic communication had been understood correctly?

DAHLERUS: Yes, I saw Henderson on Thursday morning, the 31st, at 10 o'clock, discussed the note with him, and he requested me then to go at once to the Polish Ambassador, M. Lipski, and give him a copy.

DR. STAHMER: Was that done?

DAHLERUS: He sent Forbes with me to Lipski, and I read the note to Lipski, but he did not seem to grasp its purport. I, therefore, left the room, dictated a note to the secretary, and handed it to him.

In the meantime, Lipski stated to Forbes that he would not be interested in discussing this note with the German Government.

DR. STAHMER: Would you reconstruct this conversation as far as you are able? It seems to me particularly important.

DAHLERUS: He said that he had no reason to negotiate with the German Government. If it came to war between Poland and Germany, he knew—since he had lived 5½ years in Germany—that a revolution would break out in Germany, and that they would march on Berlin.

DR. STAHMER: Did you then inform London of your conversation by telephone?

DAHLERUS: I telephoned at once from the British Embassy and informed Sir Horace Wilson of the conference that we had had.

DR. STAHMER: Was there then another discussion in the afternoon with Göring?

DAHLERUS: I saw Göring at 1 o'clock in the afternoon. He received then a copy of the cablegram from the Polish Government to Lipski, to the effect that Lipski should not, without special instruction from Warsaw, negotiate with the German Government. It was obvious that the Poles under those circumstances were afraid to take any action. The German Government was, however, much disturbed at this telegram.

DR. STAHMER: On that afternoon did you again meet Göring, together with the British Ambassador?

DAHLERUS: The situation already seemed to have become impossible. Hitler had quarreled with Henderson. Ribbentrop, too, had quarreled with him. Therefore, I was of the opinion that the only possibility lay in Göring coming to an understanding with Henderson. I suggested a meeting between them. This took place at 4:50 in the afternoon, at Göring's house. Forbes was present, and I too.

DR. STAHMER: What was said during this meeting?

DAHLERUS: Even before the meeting, Henderson expressed his suspicion that the German Government would try to arrange a settlement with Britain and cause a break between England and Poland. Henderson was therefore very cautious during the 2-hour session, and the result of the conversation was only that both parties agreed that a meeting of delegates from both countries would be necessary if war were possibly to be avoided.

DR. STAHMER: Did you on this occasion likewise suggest that Göring should meet the British delegates immediately?

DAHLERUS: I suggested that a meeting in Holland should be arranged at once, at which Göring should represent Germany.

DR. STAHMER: How did Henderson react to this proposal?

DAHLERUS: Henderson promised to submit this proposal to his Government. However, I had the impression that he already knew that German military forces were on the march, and it did not seem to me that he had much confidence in any fortunate outcome.

DR. STAHMER: Are you acquainted with a statement of Göring to the effect that if the Poles did not give in, Germany would kill them like lice; and if Britain should decide to declare war, he would regret it very much but it would be very unwise of Britain?

DAHLERUS: I cannot recollect these words, but it is possible that during the 2-hour conversation they were uttered.

DR. STAHMER: How did this conference end then?

DAHLERUS: At 7 o'clock in the evening it broke up and both parties were agreed that they would endeavor to arrange for a meeting in Holland.

DR. STAHMER: Did you then on 1 September meet Göring again?

DAHLERUS: On 1 September I met Göring at 8 o'clock at his headquarters. After some hesitation he told me that the war had broken out because the Poles had attacked the radio station of Gleiwitz and blown up a bridge near Dirschau. Later he gave me more details from which I concluded that the full force of the German Army was employed in the attack on Poland.

DR. STAHMER: Did you then on 3 September meet Göring again, and did you on this occasion, make the suggestion that Göring should fly to London immediately for a personal conference?

DAHLERUS: Well, before I mention what happened then, I should like to mention that I met Hitler on 1 September, immediately after his Reichstag speech in the Kroll Opera House. He was at that time exceedingly nervous and very agitated. He told me he had all along suspected that England wanted the war. He told me further that he would crush Poland and annex the whole country. Göring interrupted, and pointed out that they would advance as far as certain given points. But Hitler was in an uncontrollable frame of mind. He began to shout he would fight for 1 year, 2 years, and ended up in great agitation that he would, in fact, fight 10 years.

Then, on Sunday, 3 September, I was informed early in the morning by Forbes that at 9 o'clock that morning an ultimatum would be given. The conditions were that the hostilities must cease immediately and the German forces must be withdrawn to the German border. I went immediately to Göring's headquarters near Potsdam. He was there and not with Hitler. I appealed to him to try at least to arrange for a reasonable reply to the ultimatum. I had the impression that certain members of the German Government

were in favor of war and I was afraid if a written reply were given it would not be worded so as to avoid war with England. I therefore suggested that Göring should declare himself prepared to go to England, at once, before 11 o'clock, to negotiate there.

DR. STAHMER: How did Göring react to this suggestion?

DAHLERUS: He accepted this suggestion and telephoned Hitler, who likewise concurred with it.

DR. STAHMER: Did you then telephone London?

DAHLERUS: Yes. I telephoned London and got in touch with the Foreign Office. They gave the reply that they could not consider this proposal before they had received a written reply to the ultimatum.

DR. STAHMER: Did you forward this communication to Göring?

DAHLERUS: Yes, I told Göring this.

DR. STAHMER: What impression did your communication make on Göring?

DAHLERUS: Göring seemed to be sorry that the proposal was not accepted.

DR. STAHMER: Then on 4 September did you speak once more with Göring?

DAHLERUS: Yes, I had a short conversation with Göring on 4 September, but it was not of great importance.

DR. STAHMER: On this occasion did Göring say to you that, come what might, he would endeavor to carry on the war as humanely as possible? That Germany would under no circumstances begin hostilities against England first, but if England should attack Germany then the answer would be forthcoming?

DAHLERUS: Yes, that is correct.

DR. STAHMER: Did you publish a book entitled *Last Attempt?*

DAHLERUS: Yes.

DR. STAHMER: Is the account given in this book in accordance with the truth?

DAHLERUS: Yes, it was written with greatest care. The contents are absolutely accurate and correct.

DR. STAHMER: Is this account based on notes that you took on these events?

DAHLERUS: Yes.

DR. STAHMER: When did you write these notes?

DAHLERUS: I wrote them immediately after my return to Sweden on 5 September 1939.

DR. STAHMER: Mr. President, I have three more brief questions—should I stop now?—they pertain to the subsequent period.

THE PRESIDENT: I think you could ask them now.

DR. STAHMER: *[Turning to the witness.]* On 24 September 1939, did you speak to Forbes in Stockholm?

DAHLERUS: No, I met Forbes on 24 September in Oslo. That was after the occupation of Poland. It was an endeavor to ascertain if there was still a possibility of averting a world war. He gave me in writing the viewpoint of the British Government. It was briefly as follows: "The British and French Governments . . ."

THE PRESIDENT: Wait a moment. What has this got to do with the Defendant Göring?

DR. STAHMER: This is evidence that he made efforts even later to bring about peace.

I have only one more question which concerns Göring directly.

THE PRESIDENT: The fact that he met Sir George Ogilvie Forbes in Oslo on 24 September does not at present appear to have anything to do with Göring.

DR. STAHMER: It appears significant in that it was the occasion for Mr. Dahlerus to get in touch with Berlin and Göring again in order to try once more, at this stage of events, to bring about peace.

THE PRESIDENT: Well, go on with your next question then.

DAHLERUS: The conditions were: "To save Europe from continued German aggressions and to enable the peoples of Europe . . ."

THE PRESIDENT: Wait a minute. What has the letter that Sir George Ogilvie Forbes wrote got to do with Göring?

DR. STAHMER: Dahlerus discussed this letter, the contents of this letter on 26 September with Göring, and tried on this basis to reach an agreement.

MR. JUSTICE JACKSON: Your Honor, may I enter a further objection?

It has nothing to do with the Indictment. We have not charged that the war against England was an aggressive war. The charge is that the war against Poland was an aggressive war. All of this negotiation to keep England out of the war while they took Poland is utterly irrelevant to the Indictment. I respectfully submit that because it has nothing to do with the Indictment, with the charge, it should be rejected.

THE PRESIDENT: Dr. Stahmer, if the witness had an interview with Göring afterwards, you can come to that, but not to preliminary conferences with Sir George Ogilvie Forbes.

DR. STAHMER: But that will not be comprehensible; he really must state what Forbes told him. He saw Forbes, Forbes made certain suggestions to him and with these suggestions Mr. Dahlerus went to Berlin and, of course, informed Göring what Forbes said to him. Thus, it will not otherwise be possible at all . . .

THE PRESIDENT: Let the witness give the account of his meeting with Göring.

DR. STAHMER: Very well.

[Turning to the witness.] Mr. Dahlerus, you then on 26 September looked up Göring in Berlin, did you not?

DAHLERUS: Yes, I met both Göring and Hitler on 26 September.

DR. STAHMER: Did you inform Göring of the proposals Forbes had made to you?

DAHLERUS: I discussed with Hitler on what conditions he would be prepared to make good the harm he had done to Poland, and make peace. To my great disappointment he then definitely declared that he was not prepared at all to discuss the question of Poland. Poland was occupied and that was no business any longer of Great Britain. I then realized that his aim had been to split Poland and Britain and thus, with the consent of Great Britain, to have the opportunity of occupying Poland without running the risk of being involved in a war with Great Britain and France.

DR. STAHMER: In July 1940 did you again meet Göring?

DAHLERUS: Yes, Göring suggested in July, 1940 that His Majesty, the King of Sweden, should endeavor to bring the various powers together for peace negotiations.

DR. STAHMER: I have no further questions.

THE PRESIDENT: The Tribunal will adjourn until 2:10 p.m.

[The Tribunal recessed until 1410 hours.]

Afternoon Session

THE PRESIDENT: Do the defendants' counsel wish to ask any questions?

DR. HORN: Witness, can you tell us the reason why the conference between Hitler and Henderson on 29 August took an unfavorable course?

DAHLERUS: No, I heard only the report that they disagreed and a quarrel started.

DR. HORN: Do you know on which of the six points the quarrel started?

DAHLERUS: As far as I recollect, it was on the wording of the German reply saying that they expected representatives from Poland during the next 24 hours.

DR. HORN: Did Hitler not explain to you then in the presence of Göring why he made this demand and that was because the two armies, the Polish and the German, were already facing each other in readiness, and at any moment a serious conflict was to be expected. Therefore Hitler did not want to present an ultimatum as to the sending of a negotiator from Poland, and thereby wanted solely to avoid the outbreak of a conflict?

DAHLERUS: Yes, explanations to that effect were given.

DR. HORN: Is it correct, Witness, as you state in your book, that at the Polish Embassy the Polish Ambassador Lipski told you that in case of war the Polish Army would march to Berlin in triumph?

DAHLERUS: No, he did not say that to me, but he made remarks to that effect to Forbes.

DR. HORN: And Forbes transmitted these remarks then to you.

DAHLERUS: Yes.

DR. HORN: How did your meeting with Mr. Forbes in Oslo on 24 September come about?

DAHLERUS: I took the initiative and went to Oslo to see him.

DR. HORN: Can you please tell us briefly the contents of the letter from Forbes?

DAHLERUS: I read that before.

THE PRESIDENT: The Tribunal has already said that it does not want to hear that. And I do not see what it has to do with Von Ribbentrop.

DR. HORN: The former Foreign Minister, Von Ribbentrop, is under indictment for the leadership of the entire German foreign

policy. I therefore consider it important that this letter, which will give decisive information about the further course of foreign policy, as Ribbentrop saw it—about his later attempt in the direction of peace, for instance—be read to the Tribunal.

DAHLERUS: To redeem Europe from the perpetually recurring fear of German aggression . . .

THE PRESIDENT: Was this letter ever shown to Von Ribbentrop?

DAHLERUS: No.

THE PRESIDENT: The Tribunal has already ruled that it will not have the letter read.

DR. HORN: You had then on 26 September 1939 a discussion with Hitler. Is it correct that Hitler told you at that time he could not negotiate with England concerning Poland because the major part of Poland was occupied by Russia, and Russia, to his knowledge, would certainly not give it up?

DAHLERUS: He declared that he was not prepared to discuss the question of Poland, and added afterwards that, apart from his decision, he did not think Russia was prepared to discuss the territory occupied by Russia.

DR. HORN: Were you politically independent at the time you were conducting your negotiation?

DAHLERUS: Absolutely.

DR. HORN: Thank you, I have no further question.

DR. LATERNSER: I have only one question for the witness: *[Turning to the witness.]* Witness, did high military leaders at any time participate actively in the numerous negotiations which you had with German authorities at that time?

DAHLERUS: Never.

DR. LATERNSER: Thank you.

THE PRESIDENT: Do other defendants' counsel wish to ask any questions?

SIR DAVID MAXWELL-FYFE: Mr. Dahlerus, will you tell me whether I understood your last answer to Dr. Stahmer correctly? Did you say "I then realized that it was on the 26th of September, that his"—that is Göring's—"aim had been to split Poland and Great Britain and to occupy Poland with the consent of Great Britain"? Is that right?

DAHLERUS: Yes, it is correct, but I should like to say it was the German Government, including Göring.

SIR DAVID MAXWELL-FYFE: Wait . . . the German Government. Thank you. Now, I just want you to tell the Tribunal quite shortly why you did not realize that aim earlier.

DR. STAHMER: As far as I understood the witness' answer before, he said in answer to my question that that was Hitler's opinion. The witness did not speak of Göring at all.

THE PRESIDENT: You will be able to re-examine him.

SIR DAVID MAXWELL-FYFE: Now, I want you just to explain to the Tribunal—and listen to the question I put to you—why did you not understand that aim at the time? Your original object in seeing Göring at the beginning of July was to inform him that British public opinion had hardened and would not stand another act of aggression; that is right, is it not?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: The reason you went to Göring is shown on Page 8 of your book, if you have got the English version.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And, Mr. Dahlerus, I want you to be absolutely sure that when I quote your book I do not take anything out of its context. I shall try to make it as short as I can. Just before the break on Page 8 you say this:

> "The essence of National Socialism was bellicose and aggressive and completely devoid of all moral scruples in its dealings with other nations. Hitler and his protégé Ribbentrop thirsted after conquest. It was said that Göring had energetically striven for a peaceful solution of the Munich crisis and this had lessened his popularity within the German Government."

That was the reason you went to Göring?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And when you put your point of view to Göring his first reaction was that the British Government was bluffing over Danzig and Poland.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And you wanted and succeeded in arranging the first meeting in order to convince Göring that, according to British public opinion, the British Government was not bluffing, is that right?

DAHLERUS: Yes, that is correct.

SIR DAVID MAXWELL-FYFE: Now, I just want you to turn to Page 29 of your book, at the very top of the page, which describes the end of your conversation with the Defendant Göring in the train before the meeting at the beginning of August. Do you remember?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Göring explained what his aim was. And if you look at the second line: "This was a mutual agreement regarding the holding of an Anglo-German conference..." and note the next words, Mr. Dahlerus, "with plenipotentiary representatives from both Governments." One matter which Göring had always made clear was that he would demand the return of Danzig and certain rights over the Corridor—the Polish Corridor—is that not right?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And from the very start he wanted a plenipotentiary conference at which territory could, if necessary, be ceded to Germany, did he not?

DAHLERUS: Evidently.

SIR DAVID MAXWELL-FYFE: Now, I want you to come straight on to 24 August, when you saw Göring and he asked you to go to London. One of the points that he wanted you to stress was that he and the German Government thought that there had been a great improvement in their military situation because of the German-Soviet treaty.

DAHLERUS: That is correct.

SIR DAVID MAXWELL-FYFE: And the other—if you turn to the bottom of Page 35 in your book and then look at the top of Page 36: "The reason was his disbelief that the German Foreign Office would be able or willing to establish a sufficiently close contact with the British Foreign Office."

DAHLERUS: That is correct.

SIR DAVID MAXWELL-FYFE: Now, you remember that day you had the conversation with him, and later on he rang you up at 11:30 before your departure?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: I just want you to tell the Tribunal one or two of the things he did not tell you on that day. He did not tell you, did he, that 2 days before, on the 22nd of August, at Obersalzberg, Hitler had told him and other German leaders that he—Hitler—had decided in the spring that a conflict with Poland was bound to come. He did not tell you that, did he?

DAHLERUS: I never had any indication or information on the political intentions, either on the 11th of April, or the 23rd of May, or the 22nd of August.

SIR DAVID MAXWELL-FYFE: You never heard of—that is Document Number 798-PS, the one of the 22nd of August—you told us, you never heard of the Fall Weiss that had been prepared in

April, but I want to get it quite clear about the other one, Document Number L-75 of the 23rd of May. He never told you that Hitler had said to him on that day that Danzig is not the subject of the dispute at all. "It is a question of expanding our living space in the East." And I think he also did not tell you that Hitler had said on that day, "Our task is to isolate Poland; the success of the isolation will be decisive." He never spoke to you about isolating Poland?

DAHLERUS: He never indicated anything in that direction at all.

SIR DAVID MAXWELL-FYFE: But I think he did tell you in the earlier interview that he was going to see M. Lipski, the Polish Ambassador.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: He did not tell you, as I understand you, that he was going to inform M. Lipski that the main obstacle to any diminution of the tension between the two countries was Poland's alliance with Great Britain. He did not tell you that, did he?

DAHLERUS: No.

SIR DAVID MAXWELL-FYFE: That is Exhibit Number GB-39, Document Number 72-PS, Page 119. So that, while he was asking you to go to England to deal with one side of the matter, he was dealing with M. Lipski on the other. I just want to get a clear picture of the situation on the 24th. Did he tell you that the decision had been made to attack Poland on the morning of the 26th?

DAHLERUS: No, in no way whatsoever.

SIR DAVID MAXWELL-FYFE: Now, you were asked to go with these general purposes, as I put it to you? You know now, Mr. Dahlerus, that on the next day our *note verbale* was given to Sir Nevile Henderson by Hitler—on the 26th.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And that note, as distinguished from what was said to you later on, stated in general terms that the Polish question must be solved, so that the effect of the plans, as they stood on the evening of the 24th, when Göring rang you up, was that you were going off in the morning with the expression of a general desire for a peaceful solution. The *note verbale* was to be given to Sir Nevile Henderson on the afternoon of the 25th and at that time the plan was that Poland would be attacked on the morning of the 26th, when you had delivered your message, and Sir Nevile had sent on the *note verbale*. That was the position?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, did Göring ever tell you why the plan of attack was changed from the 26th to the 31st?

DAHLERUS: No, he never mentioned anything about the plan of attack; nor that it was changed.

SIR DAVID MAXWELL-FYFE: He did not tell you that—this is Document Number TC-90, Exhibit Number GB-64—I quote Göring's own words:

> "On the day when England gave her official guarantee to Poland"—that was the 25th—"the Führer called me on the telephone and told me that he had stopped the planned invasion of Poland. I asked him then whether this was just temporary or for good. He said, 'No, I will have to see whether we can eliminate British intervention.' So then I asked him, 'Do you think that it will be any different within 4 or 5 days?' "

Göring never told you that, at the time you were being sent to London, all that was wanted was to eliminate British intervention?

DAHLERUS: Not at all.

SIR DAVID MAXWELL-FYFE: Well, now, I just want to state again, quite shortly; you went and came back with Lord Halifax's letter. I want to make this quite clear, Mr. Dahlerus: Throughout Lord Halifax made it clear that Great Britain was going to stand by her obligations to Poland, did he not?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And then on the 27th of August, the night of the 26th to 27th, at 12:30 midnight, you had this interview with Hitler. Now, to you, Mr. Dahlerus, Hitler for the first time made it clear that his terms were, that Great Britain should help Germany in securing Danzig and the Corridor.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Not "rights in the Corridor," but "the Corridor." Do you remember that when you told that to Mr. Chamberlain he was surprised at the difference between your account and that given to Sir Nevile Henderson?

DAHLERUS: That is correct.

SIR DAVID MAXWELL-FYFE: Now, I am not going to go through it all again, but I just want you to help me from your own book, which you say was carefully and objectively written, as to the state of mind of the rulers of Germany at that time. Now, would you first of all look, with regard to Hitler, on Page 47? That is the passage you have already told the Tribunal about, where he was shouting, "Dann werde ich U-Boote bauen."

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, just let me put it to you—it is quite short—how you described it at the time, and you tell me

if it is right, "If there should be a war," he said, "Dann werde ich U-Boote bauen, U-Boote, U-Boote!" and he raised his voice each time?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: "The voice became more indistinct and finally one could not follow him at all. Then he pulled himself together, raised his voice as though addressing a large audience and shrieked—shrieked—'Ich werde Flugzeuge bauen, Flugzeuge bauen, Flugzeuge, Flugzeuge, und ich werde meine Feinde vernichten.'"

And you go on to say:

"Just then he seemed more like a phantom from a story book than a real person. I stared at him in amazement and turned to see how Göring reacted, but he did not turn a hair."

Now, would you mind turning on to Page 53? No, just one sentence before the bit I read on Page 47, I just want to get that clear. You say: "His words became blurred and his behavior was that of a completely abnormal person."

Now, you turn to Page 53. I want you to tell the Tribunal your impression of the way he treated the Defendant Göring. The Tribunal has heard a lot about the relations between them. At the bottom of the page you say this:

"From the very beginning of our conversation I had resented his manner toward Göring, his most intimate friend and comrade from the years of struggle. His desire to dominate was explicable, but to require such obsequious humility, as Göring now exhibited, from his closest collaborator seemed to me excessively repellent and unprepossessing."

Would you just turn over to Page 54, the fifth line from the end?

"I realized that I was dealing with a person who could not be considered normal."

That was your considered view, was it not, Mr. Dahlerus?

DAHLERUS: It was the opinion I formed the first time I met him.

SIR DAVID MAXWELL FYFE: That was the Chancellor of Germany. Now I want you, for a moment, to deal with the Foreign Minister of Germany, according to the impressions that you formed. Generally, I think you got the impression that Von Ribbentrop was doing everything he could to interrupt and spoil your endeavors?

DAHLERUS: That is correct.

SIR DAVID MAXWELL-FYFE: But according to Göring, he went further than that. Will you look at Page 76? This is, you remember, when you were just saying goodbye to Göring, on, I

think, your last visit to London, after he had drawn the map, which I will come to in a moment. Did you say this:

> "Before we parted, he again went over the German standpoint, saying finally that if we never met again he would like to take the opportunity of thanking me for what I have done and for my tireless energy in the cause of peace. I was somewhat surprised by this farewell and could not help replying that in all probability we should meet again soon. His expression changed and he said solemnly: 'Perhaps; but certain people are doing what they can to prevent your getting out of this alive.' "

That was said seriously and solemnly, Mr. Dahlerus?

DAHLERUS: Exactly.

SIR DAVID MAXWELL-FYFE: And you go on:

> "At a meeting in October of the same year Göring told me that Ribbentrop had tried to arrange for my plane to crash. Hence Göring's solemn mien when he bid me farewell."

DAHLERUS: Well, he had mentioned Ribbentrop's name just a minute before, and when he spoke about the plane crashing, he used the word "he." I assumed he meant Ribbentrop.

SIR DAVID MAXWELL-FYFE: That was the Foreign Minister, according to Göring.

I want you now to turn to Page 100, because I want to collect these things. This is a description of the 1st of September, the afternoon of the day on which Poland had been attacked, and you saw the Defendant Göring, I think, in the Air Ministry or at one of his offices. Do you see it? It is just before the second break.

> "To him"—that is, to Göring—"everything was lined up according to a plan which nothing could upset. Finally he called in the State Secretaries Körner and Gritzbach, gave them a long harangue, and presented each of them with a sword of honor, which he hoped they would carry gloriously through the war. It was as if all these people were in some crazy state of intoxication."

Are these your words?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And that is the impression? Of course you mean that they were mentally intoxicated with the idea of war?

DAHLERUS: They had changed their frame of mind within a short time.

SIR DAVID MAXWELL-FYFE: So that, of the three principal people in Germany, the Chancellor was abnormal; the Reich Marshal, or the Field Marshal, as he was then, was in a crazy state of intoxication; and, according to the Defendant Göring, the Foreign Minister was a would-be murderer who wanted to sabotage your plane?

[The witness nodded assent.]

SIR DAVID MAXWELL-FYFE: Just let us proceed, quite shortly, with what happened after that.

On the week end of 26 and 27 August you went to England. You have told me that you did not know about the calling off of the attack on the morning of the 26th, and you did not know that the intention of Hitler was to eliminate English intervention. You did not know these points; so you went back to England on the 27th with these fuller terms, and the English answer was that, while they maintained their obligations, they hoped and recommended that the German and Polish Governments might begin negotiations between themselves with regard to the point?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And that was the answer that you brought back.

Now, I just want you to think for a moment of the interview that you had at breakfast time with Göring, I think in his train or in his headquarters, on the 28th of August. You find it at Page 65 of the book, if you want to refresh your memory. At that time, did Göring not try and convince you that the return of Danzig and the Corridor would make no difference to Poland's military situation?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Because, illustrating it from his own war maps, he thought that Germany was in a position to defeat the Poles anyhow, whether they had the Corridor or whether they hadn't?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And his Air Forces and the troops were all in position to carry that out?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, I want you now to come to the question of the meeting at which the terms were given to Sir Nevile Henderson. That was at 7:15 in the evening, on the 29th of August, and the meeting went on for some time. Do you remember that meeting?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And then, as I think one of the counsel has elicited from you, the difficulty arose over the demand for a plenipotentiary to be back in 24 hours, as you have explained.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, I think Sir George Ogilvie-Forbes told you that that meeting had gone very badly, and then at 11:30 you saw Göring, and Göring said much the same as Sir George Ogilvie-Forbes as to how the meeting had gone.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And he said, that what had upset the Chancellor was that Sir Nevile Henderson had characterized or implied that this demand that the plenipotentiary should come within 24 hours was equivalent to an ultimatum.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Do you remember at that time that Göring underlined certain of the terms?

Will you turn to the preface of your book . . .

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: You see the facsimile. Have you a copy?

DAHLERUS: I have the original here.

SIR DAVID MAXWELL-FYFE: Well, if you will just look at it. Now, it is in German. If you follow the German, I want just to read the bits which Göring has underlined, and I will read it in English and you check to see that I have got the right piece:

> "For the rest, in making these proposals the German Government has never had any intention of touching Poland's vital interests or questioning the existence of an independent Polish State. The German Government, accordingly, in these circumstances, agrees to accept the British Government's offer of its good offices in securing the dispatch to Berlin of a Polish emissary with full powers. It counts on the arrival of this emissary on Wednesday, 30 August 1939. The German Government will immediately draw up proposals for a solution acceptable to itself and will, if possible, place these at the disposal of the British Government before the arrival of the Polish negotiator."

That is the bit which the Defendant Göring has underlined, just before the bit about the sending of the plenipotentiary.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: So that there was no doubt that the Defendant Göring was associating himself with the importance of that point.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, you remember that at that time, during that interview, that is, the night of the 29th, the Defendant Göring made a great tirade against the Poles.

DAHLERUS: That is right.

SIR DAVID MAXWELL-FYFE: I am not going to go into that in detail; but then he said to you that the Führer was preparing what I think in English is a "magnanimous offer."

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And to show you the nature of the "magnanimous offer," he hedged in a portion of the bits of Poland. That is also in the preface to your book.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, there are two points about what he hedged in. In fact, it was much more than had been taken from Germany under the Treaty of Versailles.

Secondly, it was entirely different from what was cabled over by the Defendant Von Ribbentrop to Sir Nevile Henderson the next night.

DAHLERUS: That is correct.

SIR DAVID MAXWELL-FYFE: And, Mr. Dahlerus, I do not think I can put it better than in your own words, if you will turn to Page 75. Is this how you record it in your book, the second break:

> "This map, a reproduction of which is given in this book, is extraordinarily interesting because it illustrates the rapidity and recklessness with which the decisions in this question were reached. I had the map with me when I left for London a few hours later, but it turned out that the boundaries drawn up on it differed very considerably from those given the well-known 'Project Ribbentrop,' presented at top speed to Henderson on the night between the 30th and 31st of August."

That is rather less than 24 hours later.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And then you go on to describe what it showed. Well, it showed this quite clearly, that 24 hours before that was cabled over to Sir Nevile Henderson the German Government had never seriously considered what portion of the Corridor it was going to claim and what portion it was not going to claim. Is that so? Göring was putting an entirely different thing to you the night before, was he not?

DAHLERUS: The first proposal I brought with me on Sunday morning, the 27th. Yes, there it was only the small Corridor, and they extended the claims according to this last plan.

SIR DAVID MAXWELL-FYFE: They extended the claim, so that the effect of what was put to you, what you were sent to announce—that a "magnanimous offer" was coming—was actually an extension of claims, and, equally actually, quite different from what was suggested the next night by the Defendant Ribbentrop.

DAHLERUS: That is correct.

SIR DAVID MAXWELL-FYFE: Now, I just want to ask you one word about an interview which took place on the 31st of August. You will find it at Page 87. It is the interview at which Sir George Ogilvie-Forbes gave you an account of what M. Lipski had said. I want you just to tell me this: You did meet M. Lipski, did you not?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And, of course—obviously, the same could be said of everyone, I am sure of yourself also—M. Lipski was suffering from considerable strain in that most critical time?

DAHLERUS: He was very nervous.

SIR DAVID MAXWELL-FYFE: Very nervous. And did not Sir George Forbes tell you that M. Lipski made his opinion quite clear that the German offer was a breach of Polish sovereignty; and that, in his view, Poland and France and England must stand firm and show a united front; and that Poland, if left alone, would fight and die alone? That was M. Lipski's mood, was it not, at the time?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: And with regard to the other matter, I am not going into the details, but there is a considerable and significant difference between the Polish version of the telegram of instructions to M. Lipski and the version which the Defendant Göring showed to you?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, on the morning of the 1st of September I think you saw Göring at 8 o'clock. Would it be a correct description of the way in which he broke the fact that he had attacked Poland to say that it was very gradual or slow, with Göring almost walking backwards, when he broke the news to you that the attack had taken place?

DAHLERUS: Well, so much so that I immediately phoned London and got in contact with the Foreign Office and informed somebody that, according to the information I had received, the Poles had been attacked, and they naturally wondered what was happening to me when I gave that information.

SIR DAVID MAXWELL-FYFE: Yes, but he did eventually admit that they had attacked Poland, and then you had a further interview

with Hitler. There is just one point I want you to clarify. I do not think you told the Tribunal about the time when he said he would fight for 10 years. Look at Page 98.

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: You see there, after saying: " 'Will ich zehn Jahre kämpfen,' he brandished his fist and bent down so that it nearly touched the floor."

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: So I take it, he was in the same state as at the time of your previous interview.

DAHLERUS: Well, if possible, more nervous.

SIR DAVID MAXWELL-FYFE: Now, there is just one final matter, if you would look at Page 102, and then I shall leave your book.

You remember you saw the Defendant Göring on the morning of Saturday, 2d September?

DAHLERUS: Yes.

SIR DAVID MAXWELL-FYFE: Now, you say this:

"To my surprise he was more inclined to listen to the viewpoints which I maintained, for, as soon as we had sat down in his private drawing-room car, he told me that there was talk of a mediation sponsored by Mussolini. Mussolini was said to be fervently trying to stop the war, and especially to prevent it from spreading."

The next sentence is:

"Göring said that he wanted to inaugurate a new Munich."

I do not want to put it unfairly, and therefore I ask you, Mr. Dahlerus, does the "he" in that sentence refer to Göring or to Mussolini?

DAHLERUS: I think it refers to Mussolini.

SIR DAVID MAXWELL-FYFE: You think it refers to Mussolini. That is what I suspected, and therefore I will not trouble you further about it, except to ask you this:

I have taken you briefly—I hope you will agree, fairly—through the points on this matter, and on these facts that I have put to you, and with which you will agree, are they the basis of your opinion that the aim of the German Government, including Göring, was to split Poland and Great Britain and to occupy Poland with the consent of Great Britain?

DAHLERUS: Well, if I had known the facts that I heard later . . .

DR. STAHMER: I believe that this question goes too far. Therefore, I have to object to this question. It refers in general to the

government and to a definite number of persons. Besides, it is an expression of opinion and not a fact about which the witness is to testify.

SIR DAVID MAXWELL-FYFE: The question was: Are these facts the basis of your opinion?

THE PRESIDENT: The Tribunal thinks it is a perfectly proper question and arises directly out of the examination in chief.

SIR DAVID MAXWELL-FYFE: Mr. Dahlerus, you were answering. I had asked you are these facts . . .

DR. SAUTER: But then I should like to ask, Mr. President, that it be clarified what is to be understood under the term "German Government," of which the prosecutor speaks constantly. The German Government consists of quite a number of ministers, and if one speaks here continuously of the German Government, without saying who is meant individually, the impression is created, that each and every one of the ministers was responsible and had participated in these negotiations, although, in fact, he knew nothing about it. I am representing one of these ministers who knew nothing about these negotiations, and therefore it would be of interest to me if the prosecutor would be kind enough to clarify who actually is meant by the term "German Government." That is to say, whether the Minister of Economics, Funk, for instance, is also included, or whether it refers only to two or three other gentlemen.

SIR DAVID MAXWELL-FYFE: My Lord, I do not suppose . . .

THE PRESIDENT: We do not agree at all with what Dr. Sauter has said. We have already heard the Defendant Göring at considerable length about what the government consisted of, and it will be upon the defendants' counsel, when the time comes to argue the case, to argue that the government did not include the members whom they represent.

Defendants' counsel do not seem to understand that, what they call clarification is a matter which can be done in re-examination. Dr. Stahmer will have the opportunity of re-examining, and then can ask any questions that arise out of the cross-examination.

SIR DAVID MAXWELL-FYFE: I will put it, Mr. Dahlerus, in this way: Are these facts which you have heard and agreed with this afternoon, are they the basis of the view which you expressed in answer to Dr. Stahmer's question this morning?

DAHLERUS: Yes. At the time I thought I could contribute something to preventing a new war; I could definitely prove that nothing was left undone by the British, by His Majesty's Government to prevent war. But had I known what I know today, I would have realized that my efforts could not possibly succeed.

SIR DAVID MAXWELL-FYFE: My Lord, there is one other point. I ask Your Lordship's indulgence. Dr. Stahmer asked for the names of these English industrialists. My Lord, I am very anxious, as representative of the British Government, that there should be no concealment about this matter at all, and I should, therefore, ask, with all humility, that Your Lordship would allow me to ask Mr. Dahlerus to give the names, simply for that reason.

THE PRESIDENT: Certainly, if you wish to.

SIR DAVID MAXWELL-FYFE: Mr. Dahlerus, will you tell us the names of the gentlemen that you met on your wife's estate in Schleswig-Holstein?

DAHLERUS: Shall I read them or hand them in?

SIR DAVID MAXWELL-FYFE: Read them if you will.

DAHLERUS: The Honorable Charles McLarn, S. W. Rossen, A. Holden, Sir Robert Renig, Bryon S. Mountain, C. F. Spencer, T. Menceford.

SIR DAVID MAXWELL-FYFE: Thank you very much.

THE PRESIDENT: Does any other member of the Prosecution wish to cross-examine?

Dr. Stahmer, do you not wish to re-examine?

DR. HORN: Mr. President, I should like to put a question. May I ask, without being misunderstood, why these names could not be read this morning when Dr. Stahmer asked for them?

THE PRESIDENT: Why do you ask that question? What has it to do with the case of Von Ribbentrop?

DR. HORN: The witness Dahlerus was also approved for the Defendant Von Ribbentrop, and I had reached an agreement with Dr. Stahmer as to certain questions. I, too, was interested in these questions this morning and also in the question about the people who had been there.

THE PRESIDENT: The reason why the names were not given this morning was because we wished to get on with this Trial, and we thought that the names of these gentlemen were irrelevant. But as Sir David Maxwell-Fyfe asked that they might be introduced in order that there could be no suggestion of concealment, the Tribunal has allowed them to be given.

DR. HORN: Thank you.

DR. STAHMER: Mr. Dahlerus, you said this morning that on 23 August you were called up by Göring in Stockholm and that he told you that the situation had become serious, and that, therefore, he was absolutely obliged to talk to you. Did he tell you for what reasons he considered the situation at that moment serious?

DAHLERUS: No.

DR. STAHMER: And you did not ask him about it?

DAHLERUS: No.

DR. STAHMER: You came then to Berlin on the 24th and conferred at once with Göring. Did Göring tell you on this occasion what had made the situation more serious in the meantime?

DAHLERUS: Not clearly.

DR. STAHMER: What did he tell you about the danger? In what did the seriousness of the situation consist?

DAHLERUS: He indicated that the fact that the Polish question was not yet solved, and that there was no indication that it would be solved, made the situation serious. He also said that it depended entirely on the British attitude and initiative whether a solution could be found.

DR. STAHMER: From this answer then you learned that Poland was the point of danger?

DAHLERUS: Yes.

DR. STAHMER: You did transmit proposals then on 27 August which had as their main object the solution of the Polish question?

DAHLERUS: Yes.

DR. STAHMER: In reply to my question with reference to the events of 26 September, you said this morning, according to my notes, that you were of the opinion at that time that Hitler's plans were not quite clear. Then this afternoon you spoke of Göring. How do you account for that difference in your answer?

DAHLERUS: At the time I had to assume that the leading members of the German Government worked in close collaboration.

DR. STAHMER: Then you concluded that from this fact? You also said before, if you had known what you know today, you would not have intervened. What has brought about your change of opinion?

DAHLERUS: The facts disclosed, chiefly during the proceedings in this court, and as published.

DR. STAHMER: Which facts are these?

DAHLERUS: The incidents I quoted, the declaration of 11 April, 23 May, and 22 August.

DR. STAHMER: You have no further facts, have you?

DAHLERUS: Yes, but those are the main points.

DR. STAHMER: What are the minor points? What are your other misgivings?

DAHLERUS: One is the experience on 26 September 1939, the speech by Hitler on 6 October 1939, and a number of declarations made since.

DR. STAHMER: You mentioned before a plane crash, if I understood you correctly, which was to have been brought about by Ribbentrop. Were you really serious about that?

DAHLERUS: Well, I corrected my statement to say that I assumed that it was Ribbentrop, because his name had just been mentioned about a minute before.

DR. STAHMER: I have one more question for the witness. What about the map of Poland which had just been shown and which allegedly was drawn by Göring?

DAHLERUS: I have the original of that map in my possession.

DR. STAHMER: And what was the explanation given to you?

DAHLERUS: That it was a territory that held a majority of Germans, and not Poles.

DR. STAHMER: How do you explain, then, the difference between the later offer and that map?

DAHLERUS: I can only assume that the question had not been thoroughly discussed and various proposals had been made before the definite proposal was submitted.

THE PRESIDENT: The witness can retire; and the Tribunal will adjourn.

[The witness left the stand.]

[A recess was taken.]

THE PRESIDENT: Mr. Justice Jackson, you will continue your cross-examination, will you not?

MR. JUSTICE JACKSON: I have assumed, Your Honor, that, since Göring's testimony was suspended in order to hear Dahlerus, on the ground that it might change some of his examination, Dr. Stahmer would complete any direct examination he may have on this subject with the Witness Dahlerus before I finish my cross-examination.

THE PRESIDENT: I beg your pardon, yes. Dr. Stahmer, will you ask any questions of the Defendant Göring that you wish to ask, arising out of the evidence of the Witness Dahlerus.

DR. STAHMER: I can ask him these questions only after I have spoken with him. I therefore consider it appropriate for Mr. Justice Jackson to continue his cross-examination, and after the cross-examination I can deal with these questions as well.

THE PRESIDENT: Dr. Stahmer, the Tribunal considers that you ought to be prepared to go on now. It is you who asked for the evidence of Dahlerus to be interposed, and Dahlerus was your witness, not the Prosecution's witness, and therefore presumably you knew what Dahlerus was going to say.

DR. STAHMER: Then I ask for the opportunity to discuss the matter with the defendant.

THE PRESIDENT: The Court has just been adjourned for 10 minutes.

DR. STAHMER: I was not able to finish the matter in that short period of time.

THE PRESIDENT: The Tribunal is of the opinion that you must ask these questions now and go on with the examination. If you wish to examine the Defendant Göring on these matters you must do it now.

DR. STAHMER: Very well.

[The Defendant Göring resumed the stand.]

DR. STAHMER: *[Turning to the defendant.]* A map was mentioned previously which is supposed to have been drawn up by you and which is contained in Mr. Dahlerus' book, the authenticity of which he confirmed this morning in answer to my question. I am having this map, which is to be found on Page 53 of his book, shown to you and I ask for your explanation of it.

GÖRING: In the discussion that took place in the night of 29-30 August between Dahlerus and me, I believe at the Führer's, I tore a map from an atlas on the spur of the moment and outlined with a red pencil, and I believe a blue or green pencil, those regions—not the regions which we would demand, as declared here before by the Prosecution—but those regions of Poland in which Germans live. That the witness Dahlerus was also of this opinion can be seen most clearly from the fact that he repeated the same markings on another map and then wrote as follows, next to the marked section: "German population according to Göring;" and next to the dotted section: "Polish inhabitants according to Göring."

He then goes on writing and draws boundaries: "Göring's first proposal for the boundary" which agrees with the markings of the regions of German and Polish populations. That was not a boundary proposal, but a separation of the two populations. And then he writes: "Hitler's proposal;" that is the final, the correct, and the only proposal transmitted to the Polish as well as to the British Government. If one compares my map one sees that here quite spontaneously and in a great hurry, with a two-color pencil, a quite superficial marking off of the approximate zones of population is made,

that is, one in which the majority are Germans and one in which there are exclusively Poles. From the beginning Mr. Dahlerus was given only the broad outlines of the boundary proposal, which was later made more exact. That is the only one in question, the same one which was published, which was read to Ambassador Henderson, and which, as Henderson did not understand it, I had telephoned to the Embassy by Dahlerus during the night, and checked the next day.

DR. STAHMER: Will you please repeat the last sentence? I believe it did not come through.

GÖRING: I said, the boundaries of the Corridor, as outlined here at Hitler's suggestion, were the official proposal which the Führer, as the only person entitled to make final proposals, had worked out. It is the same proposal that was read to Ambassador Henderson, and as he did not understand it, I turned the note which was read to Henderson, over to Dahlerus for him to dictate it so that I could be sure that the English Ambassador was informed of it in its entirety.

To do this was, as I have already said, actually an enormous risk, since the Führer had forbidden this information being made public at the moment, and, as I have stated already, only I could take that risk. But for the rest, as far as my markings are concerned, they show clearly on the map: "German population according to Göring; Polish population according to Göring." But that was only approximate and done in a great hurry during the night, merely for his information, and on a map torn from an atlas.

DR. STAHMER: Mr. Dahlerus said that you called him up on the 23rd of August and asked him to come to Berlin immediately because in the meantime the situation had become serious. What made you consider the situation serious?

GÖRING: Through the statements of the Führer at the Obersalzberg on that 22d of August it was clear to me that the tension had reached its peak. The Führer had stated that he would have to bring about a solution of the problem, if it were not possible to obtain one diplomatically. On that occasion, since it was simply an address, without discussion, before the higher officers of troop formations which would be used in case of war, I, as senior officer present, confined myself to saying to the Führer at the end: "The Wehrmacht will do its duty." Of course it has to do its duty, if it is called upon. At the same time, however, I wanted to exert every effort in order to make as soon as possible—it was now a matter of days; a definite date, the 25th or 26th, as decided at first, had not yet been set on this day—to make one more attempt at negotiations. I wanted to be able to say to the Führer, if such negotiations were successfully underway, that there were still prospects of and chances for a diplomatic solution.

Hence, the concurrence of events on the afternoon of the 22d: the Führer's speech and my immediate reaction of sending for Dahlerus from Stockholm. I, of course, did not tell him, and I could not, of course, as a German, tell him, a foreigner—and especially not as an officer—that my reason lay in these factors which I have explained. Things are now being represented as if there could never have existed in Germany such an idea as "secret military matter," or "secret," or "top secret," in German politics and in military life at all; as though we were obligated to make known every military and political step to the foreign press in advance. I therefore point out that we, of course, had the same procedures as those adopted in every other country of the world.

DR. STAHMER: How was it that you handled the negotiations personally and that the negotiations were not handled through the Foreign Office?

GÖRING: I was bent on having this question settled peacefully as far as it was at all possible. The work of the Foreign Office is official. Here we were working at it anyhow, and according to the guiding principles laid down by the Führer. I could make my influence felt only in a way which was as direct as possible but not expressly official, because for official action I did not hold the official position of Minister for Foreign Affairs as far as foreign countries were concerned. And at this time it was clear to me that it was not a question of formalities, but rather a question of the most practical and the quickest way of accomplishing something. If I wanted to influence the Führer, that was possible only if I had something in my hand, that is, if I could say to him: "On my own responsibility, but with your knowledge and without committing you and your Reich policy, I am conducting negotiations in order, circumstances permitting, to create an atmosphere which will facilitate official negotiations in the direction of a peaceful solution."

In addition, it would be faster.

DR. STAHMER: This clear fact, that it was a personal step on your part that was being taken alongside official diplomatic negotiations—was that clear also to the British Government?

GÖRING: It must have been clear from the entire action that this was a nonofficial negotiation which only at one or two points touched the official negotiations, or overlapped them. For instance, the phase where Ambassador Henderson, instead of returning immediately to Berlin, remained 1 or 2 days in London in order, first of all, through the unofficial negotiator, Dahlerus, to explain to the British Government the basis of these intentions, or for the negotiations, or to explain the note, as I shall call it; and when that had been done, the preparation for entering into these conferences was

thereby considerably improved. And that not I alone was of the honest conviction on that day that a considerable step had been taken in the direction of a peaceful solution at that time—I believe it was the 28th—is demonstrated by the fact that the same view was held at the British Embassy at that moment, as the Embassy Councillor, Sir Ogilvie-Forbes, has very clearly stated. The situation did not become worse until the 29th.

During all these negotiations it was not a question, as far as I was concerned, of isolating Poland and keeping England out of the matter, but rather it was a question, since the problem of the Corridor and Danzig had come up, of solving it peaceably, as far as possible along the lines of the Munich solution. That was my endeavor until the last moment. If it had been only a question of eliminating England from the matter, then, first of all, English diplomacy would surely have recognized that immediately—it certainly has enough training for that. However, it did enter into these negotiations. And, secondly, I probably would have used entirely different tactics.

It is not that I am reconstructing things in retrospect; I am speaking of what actually happened in those days, of what I thought and wanted. The descriptions given by the Witness Dahlerus today, and in his book regarding his talks with the Führer, by no means represent the way these talks took place. His descriptions are rather subjective, for the Führer probably would not long have been party to such talks.

There are also other subjective interpretations in the book, which perhaps are purely unessential, but which have been brought forward by the Prosecutor, Sir David Maxwell-Fyfe, that I, in a theatrical fashion, had handed to two collaborators two swords so that they might accomplish bold actions with them. One of those who allegedly received a sword from me was my civilian State Secretary Körner, not a soldier. The most I could have given him was a pen, since he had to draft decrees for the Four Year Plan. The second person was the chief of my office staff, a ministerial director, who also was no soldier and was not to earn any war laurels, but whose main task during the war was exclusively that of keeping my civilian, not my military, staff in order, and of insuring the functioning and progress of that work. For both these matters these gentlemen needed neither a sword nor any incitement to behave in a military way.

DR. STAHMER: Is it correct that it was first intended to undertake aggressive action against Poland on the 26th of August, and that this date was later postponed?

GÖRING: It was provided that if by this time—official negotiations were being carried on before this, that must not be forgotten—

if by then these negotiations had not led to a solution of the problem, as a consequence of the general mobilization of Poland and the deployment of troops which had likewise taken place, and as a consequence of very serious border incidents that had actually occurred—I remind you of the bloody Sunday of Bromberg, of the more than 70,000 Germans who had fled, and of the Germans slain—in other words, the atmosphere at this time was such that the Führer would have wanted to bring about a solution by means of war. Then this delay came about, precisely because one believed that a diplomatic solution could still be found, and thus I took it as a matter of course that I should intensify to the utmost the unofficial course which I had already pursued in my previous efforts and see it through. This explains Dahlerus' frequent conferences in London and in Berlin, the frequent changes in those conferences, and the frequent flying to and fro.

When the last attempt was suggested by me on the 3rd of September, the situation was as follows, and it also has not been described quite correctly. The British Government at first did not send any ultimatum after the 1st of September, but it sent a note in which it demanded the withdrawal . . .

THE PRESIDENT: Will the interpreter please tell the Tribunal what the last question asked by counsel was? Perhaps the interpreter would not know it. Does the shorthand writer know what the last question was?—It does not seem to me that any answer has been given; it related to the 26th of August.

[The interpreter repeated the question.]

DR. STAHMER: Yes.

THE PRESIDENT: Yes, that was the question, and as far as I have heard there has been no answer to it yet.

DR. STAHMER: I did not understand that, Mr. President.

THE PRESIDENT: The question that you asked was whether the date of the 26th of August was arranged for the action to take place against Poland, and the Defendant Göring has been speaking for some considerable time and has not answered that question yet as far as I have heard.

GÖRING: The question—my answer to this question was that actually the 26th of August was at first planned by the Führer as the date for the invasion, since he considered this date necessary, in view of the situation that I have described. It was then possible, however, to persuade him once more to postpone this date, in order to carry on further negotiations.

DR. STAHMER: How is it to be explained that Hitler's proposal failed?

GÖRING: Which proposal?

DR. STAHMER: The last proposal of 27 August, that Dahlerus delivered to London.

GÖRING: This proposal was, of course, an unofficial one and was followed by an official proposal that was read to the British Ambassador in the form of a note; that is, the British Government was informed what demands Germany would make on Poland. This proposal was not entirely understood, and was then unofficially—but *de facto*—made known not only to the British Government but also, to the Polish Ambassador, exactly and precisely, in the unofficial way that Dahlerus has described. It came to naught because the Polish Government did not agree to discuss this proposal. First there was a prolongation for a plenipotentiary to be appointed—I believe until the 30th or the 31st; but nevertheless we waited even longer for a plenipotentiary. On the intimation that the Polish Ambassador might be this plenipotentiary, circumstances permitting, we waited for a conference with him; when he declared that he was not authorized to accept any terms, the Führer decided on invasion the next day. This telegram I also sent to the British Ambassador via Dahlerus—the telegram of the Polish Government to their Ambassador, in which they forbade him, in a postscript, to conduct any negotiations regarding proposals, or to accept any proposal, or any note on the subject.

I immediately gave Dahlerus the decoded telegram, which I received from the investigation office mentioned the day before yesterday, so that he could hand it to Henderson, and I told him in addition, despite any scruples I might have had, that, since it was a matter of extraordinary importance, the British Government should find out as quickly as possible how intransigent the Polish attitude was, so that it might, circumstances permitting, influence the Polish Government in the direction of a conference. I thus gave away the key, that is, I showed that we had the Polish diplomatic code key and thus spoiled for Germany a real and important source of information. This was a unique step, that I could justify only by my absolute wish and determination to avert the conflict at the last moment. I should, therefore, like to read the appendix to the official dispatch; it is brief and runs: "From the Polish Government to the Polish Ambassador Lipski in Berlin." I skip the first part and read only the following:

> "As a particular secret instruction for the Ambassador, he is in addition informed that he should refrain from conducting official negotiations under any circumstances. In the event of oral or written proposals being made by the Reich Government, please state that you have no plenipotentiary powers to respond to or discuss them, and that you are empowered

only to convey the above message to that Government and that you must have further instructions first."

It is clearly seen from this that the Ambassador was not, as we had been told, authorized to do anything at all in the other direction, and this telegram, which the Führer also read, probably indicated to him very clearly the hopelessness of arriving at an understanding with Poland.

DR. STAHMER: Were these negotiations begun and carried out by you with the earnest intention of maintaining peace?

GÖRING: If one reads these writings in their context, that can be seen from this document; but I should not like to rely on the evidence of this book but on what I have to say here under oath. It was my firm determination to do everything to settle in a peaceful way this problem that had arisen. I did not want war; consequently I did everything I possibly could to avoid it. That has nothing to do with the preparations which I carried out as a matter of duty in my capacity as a high-ranking soldier.

DR. STAHMER: A matter was brought up here concerning a flying accident which might possibly have befallen Mr. Dahlerus. What about this remark?

GÖRING: The witness Dahlerus said at the conclusion of his testimony that he must correct himself, that he had not received this absurd information from me, but that this was a conclusion of his because I had mentioned Ribbentrop's name shortly before in an entirely different connection. I had only one concern and that I indicated: Dahlerus flew in my own plane to London at that time; the tension was already very acute, and in all states mobilization and a threatened state of war had been proclaimed. Official air communications had been cut off long before. So it was possible that under certain circumstances a German plane flying to London with a courier or, vice versa, a British plane flying to Berlin at that time might incur danger from our anti-aircraft batteries or the like, and I wanted to obviate this danger as far as possible by telephoning Dutch and English authorities, as far as I remember. This was the only reason for my telling Dahlerus that I hoped he would arrive and return safely, because in those times an accident might easily have taken place.

Herr Von Ribbentrop knew nothing whatsoever about the fact that Dahlerus was being sent. During the whole time I never discussed the matter of Dahlerus with Herr Von Ribbentrop. Thus he did not know at all that he was flying, that he went back and forth between me and the British Government. All that is an absolute concoction.

DR. STAHMER: On 26 September 1939 were you present at the conference between Dahlerus and Hitler?

GÖRING: Yes.

DR. STAHMER: What did Hitler say then about Poland?

GÖRING: It is correct that he made statements to the effect that a restoration of Poland as she existed before the outbreak of war could no longer be considered after the course taken by the battle, but that he would now, of course, keep the old German provinces that had been taken in 1918. But even at that time he indicated that the Government General in Warsaw would not interest him and pointed out very emphatically to Dahlerus that this was a question which was to be settled chiefly and decisively by Germany and Russia, and that there could thus be no question of a unilateral settlement with England because the greater part of Poland was already occupied by Russia. And these were agreements that he could no longer make unilaterally with England. That was the gist of the Führer's statements.

DR. STAHMER: I have no further questions.

MR. JUSTICE JACKSON: I call your attention to the testimony which you gave yesterday and ask you if it is correct.

> "I think I was Deputy Chairman"—referring to the Reich Defense Council—"I do not even know, I heard about that, but I assure you under my oath, that at no time and at no date did I participate in a single meeting when the Council for the Defense of the Reich was called together as such."

Is that a correct transcription of your testimony?

GÖRING: Yes, I said that in no single . . .

MR. JUSTICE JACKSON: That is all. That is all I asked you.

GÖRING: Yes.

MR. JUSTICE JACKSON: I ask to have your attention called to Document Number 3575-PS (Exhibit Number USA-781) which is the minutes of the Reich Defense Council of 18 November 1938, with you presiding.

I call your attention to the statement that the "meeting consisted solely of a 3-hour lecture by the Field Marshal. No discussion took place."

Is that correct?

[Document 3575-PS was submitted to the defendant.]

GÖRING: I have to read it first, this is the first time I have seen the document.

MR. JUSTICE JACKSON: You did not know when you testified yesterday that we had this document, did you? Would you kindly answer that question?

GÖRING: I have not seen this document before. I have to look at it first. It says here: "Notes on the session of the Reich Defense Council on 18 November 1938."

The Reich Defense Council, as it was described here, comprised few people. Here there were present, however, all Reich ministers and state secretaries, also the commanders-in-chief of the Army and the Navy, the chiefs of the General Staff, of the three branches of the Armed Forces, Reichsleiter Bormann for the Deputy of the Führer, General Daluege, SS Gruppenführer Heydrich, the Reich Labor Führer, the Price Commissioner, the President of the Reich Labor Office, and others.

When I gave my testimony I was thinking only of the Reich Defense Council as such. This is dealing with the Reich Defense Council within the framework of a large assembly. Nevertheless, I was not thinking of that; this concerns, over and beyond the Reich Defense Council, an assembly that was much larger than that provided for under the Reich Defense Council.

MR. JUSTICE JACKSON: I call your attention to the fact that the "Field Marshal stated it to be the task of the Reich Defense Council to correlate all the forces of the nation for accelerated building up of German armament."

Do you find that?

GÖRING: Yes, I have it now.

MR. JUSTICE JACKSON: The second paragraph?

GÖRING: Yes.

MR. JUSTICE JACKSON: Under II, "The Physical Task: The assignment is to raise the level of armament from a current index of 100 to one of 300."

GÖRING: Yes.

DR. SIEMERS: I cannot quite see the reason why it repeatedly happens that the Defense does not receive documents that are discussed in Court and that are submitted to the Court. The document now discussed is also not known to us, at least not to me.

During the last few days I have noticed that several times documents were suddenly presented by the Prosecution without any effort having been made to inform us of their existence.

MR. JUSTICE JACKSON: That is perfectly true, and I think every lawyer knows that one of the great questions in this case is credibility, and that if we have, in cross-examination, to submit every document before we can refer to it in cross-examination, after we hear their testimony, the possibilities of useful cross-examination are destroyed.

Now, of course, he did not know; and we have had the experience of calling document after document to their attention, always to be met with some explanation, carefully arranged and read here from notes. No defendant has ever had better opportunity to prepare his case than these defendants, and I submit that cross-examination of them should not be destroyed by any requirement that we submit documents in advance.

THE PRESIDENT: Did you wish to say something?

DR. SIEMERS: Yes. I should like to make two points. First, I am entirely agreed if Mr. Justice Jackson wants to make use of the element of surprise. I should merely be thankful if the Defense then were also permitted to use the element of surprise. Yet we have been told heretofore that we must show every document we want to submit weeks ahead of time, so that the Prosecution has several weeks to form an opinion on it.

Secondly, if the element of surprise is being used, I believe that at least we, as Defense Counsel, should not be given this surprise at the moment when the document is submitted to the Court and to the witness. I have at this moment neither today's documents nor the documents of the previous days.

THE PRESIDENT: What you have just said is entirely inaccurate. You have never been compelled to disclose any documents which you wished to put to a witness in cross-examination. This is cross-examination and therefore it is perfectly open to Counsel for the Prosecution to put any document without disclosing it beforehand; just as Defense Counsel could have put any document to witnesses called on behalf of the Prosecution, if they had wished to do so, in cross-examination.

I am sure that if counsel for the defendants wish to re-examine upon any such document as this, a copy of it will be supplied to them for that purpose.

The Tribunal now rules that this document may be put to the witness now.

DR. SIEMERS: Does the Defense also have the opportunity, now that it is known to the entire Court, of receiving the document?

THE PRESIDENT: Yes, certainly.

DR. SIEMERS: I should be thankful if I could have a copy now.

MR. JUSTICE JACKSON: I am frank to say I do not know whether we have adequate copies to furnish them to all the Defense Counsel now.

THE PRESIDENT: Maybe you have not, but you can let them have one or more copies.

MR. JUSTICE JACKSON: But I do not think we should furnish copies until the examination with reference to that document is completed, that is to say...

THE PRESIDENT: Yes, Dr. Dix.

DR. DIX: I should like to make one request that at least the technical possibilities—that at least the counsel of these defendants who are being cross-examined also be given the document that is submitted to the defendant, so that they are in a position, just as the Tribunal is, to follow the examination.

If Justice Jackson says that it is his opinion that it would be right for the defense counsel—in this case my colleague Stahmer—to receive this document only after the examination—in this case of Göring—has ended, I beg earnestly, in the interest of the dignity and prestige of the Defense, to take objection to this suggestion of Justice Jackson's. I do not believe that he means by that to insinuate that the Defense Counsel would be able—having these documents in its hands at the same time as the Tribunal and at the same time as the witness—somehow through signs or otherwise to influence the defendant and thereby disturb the cross-examination by Mr. Justice Jackson, or by the prosecutor. Mr. Justice Jackson certainly did not mean that, but one might draw that conclusion.

I therefore make this request: If in the cross-examination, for the purpose of the cross-examination, in view of the altogether justified element of surprise, a document is presented to a witness that at the same time is presented to the Tribunal, that at least a copy of this document be given at the same time to the defense counsel, the defense counsel concerned, either the one who has called the witness or the one whose defendant is in the witness box, so that he can have some idea of what the witness is being confronted with, for Göring could read this document, but Dr. Stahmer could not. In other words, he was not in a position to follow the next part of Mr. Justice Jackson's cross-examination. That is certainly not intended, and would certainly not be fair, and I should therefore like to ask Mr. Justice Jackson to reply to my suggestion, and my application, in order to arrive at an understanding and thereby to relieve the Tribunal of the decision on a question that to me seems self-evident.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal is inclined to think—the Tribunal certainly thinks—that you are perfectly right, that there is no necessity at all, as I have already stated, to disclose the document to the defendants before you use it in cross-examination. But, at the time you use it in cross-examination, is there any objection to handing a copy of it to the counsel for the defendant who is being cross-examined?

MR. JUSTICE JACKSON: In some instances it is physically impossible because of our situation in reference to these documents. A good many of these documents have come to us very lately. Our photostatic facilities are limited.

THE PRESIDENT: I am not suggesting that you should hand it to all of them, but only to Dr. Stahmer.

MR. JUSTICE JACKSON: If we have copies, I have no objection to doing that, but if we do not have them in German—our difficulty has always been to get German copies of these documents.

DR. DIX: May I say something else. If it is not possible in German, then it should at least be possible in English, for one English copy will certainly be available. Furthermore, if it is a question of German witnesses, such as Göring, the document will be shown him in German anyhow; it will certainly be shown the witness in German. I believe that will surely be possible.

[Dr. Siemers approached the lectern.]

THE PRESIDENT: We do not really need to hear more than one counsel on this sort of point. I have already ruled upon your objection, which was that the document should be produced beforehand, but the Tribunal has already ruled that objection should be denied.

DR. SIEMERS: Mr. President, I am sorry. My motion was that the Defense Counsel should receive these documents at the same time the Tribunal does. I am not of the opinion expressed by Dr. Dix, that only one defense counsel should receive it. If it is a report regarding the Reich Defense Council, then it is a document important to several defendants. One copy is therefore not sufficient, but each defense counsel must have one. I believe that Mr. Justice Jackson . . .

THE PRESIDENT: But not at this moment. There are, as we all know, the very greatest difficulties in producing all these documents, and extraordinary efforts have been made by the Prosecution and the Translating Division to supply the defendants with documents, and with documents in German, and it is not necessary that every member of the Defense Counsel have these documents at the time the witness is being cross-examined. I am sure the Prosecution will do everything it can to let you have the documents in due course—any document that is being used.

In the opinion of the Tribunal it is perfectly sufficient if one copy of the document is supplied to the counsel for the witness who is being cross-examined. As I say, the Prosecution will doubtless let you have copies of these documents in due course.

You are appearing for the Defendant Raeder, and the Defendant Raeder, I am afraid, at the present rate will not be in the witness box for some time.

DR. SIEMERS: The result of that is that the defense counsel, who is not momentarily concerned, cannot understand the cross-examination. As to the technical question, I ask the Court to consider that I cannot follow Justice Jackson on this technical point. The document is mimeographed by means of a stencil. In mimeographing it makes no difference at all whether 20, 40, 80, or 150 copies are produced. It makes no difference from the point of view of time, except perhaps 4 or 5 minutes. I consider for this reason that one can hardly refer to technical difficulties in this matter.

THE PRESIDENT: Counsel for the Prosecution will consider what you say, but no rule has been made by the Tribunal that every document should be supplied to every counsel during cross-examination.

GÖRING: I should like to say again in regard to the document that this is not...

MR. JUSTICE JACKSON: May I respectfully ask that the witness be instructed to answer the question and reserve his explanations until his counsel takes him on. Otherwise, this cross-examination cannot successfully be conducted, in the sense of being reasonable in time.

THE PRESIDENT: I have already explained, on several occasions, that it is the duty of defendants when they are in the witness-box, and the duty of witnesses, to answer questions directly, if they are capable of being answered directly, in the affirmative or in the negative; and if they have any explanation to make afterwards, they can make it after answering the question directly.

MR. JUSTICE JACKSON: I call your attention to Item 3, under II, "Finances," reading as follows:

> "Very critical situation of the Reich Exchequer. Relief initially through the milliard imposed on the Jews and through profits accruing to the Reich from the Aryanization of Jewish enterprises."

You find that in the minutes, do you not?

GÖRING: Yes, that is there.

MR. JUSTICE JACKSON: And you find the minutes signed by Woermann, do you not?

GÖRING: No, that is not true. I beg your pardon? Here on the photostat Woermann has signed it, that is not Bormann. I know Bormann's signature well, it is quite different.

MR. JUSTICE JACKSON: I said Woermann.

GÖRING: Woermann, yes.

MR. JUSTICE JACKSON: All right, my poor pronunciation. Well, was it not a fact that you set up a working committee under the Reich Defense Council which did meet from time to time and did carry on certain work?

GÖRING: I have already explained recently: That was the committee of departmental chiefs.

MR. JUSTICE JACKSON: And I call your attention to Document Number EC-405, minutes of a meeting of the Working Committee of the Reich Defense Council, Meeting Number 10.

GÖRING: I understood the President to say before that when I have answered the question, I can add an explanation that seems necessary to me. Now that I have clearly answered your question with regard to the first document, I want to stress once again that this was not a meeting of the close Reich Defense Council but a general calling together of all ministers, state secretaries and numerous other persons. And that I began my statements as follows:

> "I. Organization of the Reich Defense Council: The Reich Defense Council was already, by decision of the Cabinet of 1933 and 1934, called into being; but it has never met. Through the Reich Defense Law of 4 September 1938 it was re-established. The Chairman is the Führer, who has appointed General Field Marshal Göring his permanent deputy."

Concerning the Reich Defense Council, about which we have been talking, consisting of Schacht—or rather of the triumvirate—it is attested here in writing once more, as I have correctly said, that this Council never met. I ask to have the question about the second document repeated, as I have forgotten it.

MR. JUSTICE JACKSON: You testified that the movement into the Rhineland had not been planned in advance.

GÖRING: Only a short time in advance, I emphasized.

MR. JUSTICE JACKSON: How long?

GÖRING: As far as I recall, at the most 2 to 3 weeks.

MR. JUSTICE JACKSON: Now, I call your attention to the minutes of the 10th meeting of the Working Committee of the Reich Defense Council, Document Number EC-405 toward the end of that document, the discussion on 6th month, 26th day of 1935, which reads as follows . . .

GÖRING: May I ask what page? This document is very long and is new to me. What page, please, otherwise I shall have to read the whole document.

MR. JUSTICE JACKSON: Turn to the last paragraph and we will work backwards.

"Commitment to writing of directives for mobilization purposes is permissible only insofar as it is absolutely necessary for the smooth execution of the measures provided for the demilitarized zone. Without exception such material must be kept in safes."

Do you find that part?

GÖRING: This document that has been handed to me contains alternating statements of various individuals, that is, a dialogue. May I ask once more . . . The last paragraph contains nothing of what you have stated, apparently there must be a difference between the German and English texts. The last paragraph here is altogether irrelevant. Where, please, am I to read in the document?

MR. JUSTICE JACKSON: Do you find the third paragraph from the end? If my document is correct we have got the same document.

GÖRING: You must tell me who was speaking, for different persons speak here.

[The place in the document was indicated to the defendant.]

Now it has been shown to me. Under the name Jodl; I have to read through it first.

MR. JUSTICE JACKSON: Do you find this:

"The demilitarized zone requires special treatment. In his speech of 21 May 1935 and in other statements, the Führer and Reich Chancellor declared that the stipulations of the Versailles Treaty and the Locarno Pact regarding the demilitarized zone would be observed."

Do you find this?

GÖRING: Yes.

MR. JUSTICE JACKSON: And do you find the next paragraph,

"Since at present international entanglements must be avoided under all circumstances, all urgently needed preparations may be made. The preparations as such, or their planning, must be kept in strictest secrecy in the zone itself as well as in the rest of the Reich."

Do you find this?

GÖRING: Yes.

MR. JUSTICE JACKSON: And you also find,

"These preparations include in particular"—a) and b) are not important to my present question—"c) Preparation for the liberation of the Rhine."

GÖRING: Oh, no, here you have made a great mistake. The original phrase—and this alone is the point in question—is: "c) Preparation for the clearing of the Rhine." It is a purely technical preparation that has nothing at all to do with the liberation of the Rhineland. Here it says, first, mobilization measures for transportation and communications, then "c) Preparation for the clearing of the Rhine," that is, in case of mobilization preparations the Rhine is not to be overburdened with freighters, tugboats, *et cetera,* but the river has to be clear for military measures. Then it continues: "d) Preparation for local defense," *et cetera.* Thus you see, it figures among small quite general, ordinary and usual preparations for mobilization. The phrase used by the Prosecution . . .

MR. JUSTICE JACKSON: Mobilization, exactly.

GÖRING: That, if you remember, I stressed clearly in my statement, that in the demilitarized zone general preparations for mobilization were made. I mentioned the purchase of horses, *et cetera.* I wanted only to point out the mistake regarding "clearing of the Rhine," which has nothing to do with the Rhineland, but only with the river.

MR. JUSTICE JACKSON: Well, those preparations were preparations for armed occupation of the Rhineland, were they not?

GÖRING: No, that is altogether wrong. If Germany had become involved in a war, no matter from which side, let us assume from the East, then mobilization measures would have had to be carried out for security reasons throughout the Reich, in this event even in the demilitarized Rhineland; but not for the purpose of occupation, of liberating the Rhineland.

MR. JUSTICE JACKSON: You mean the preparations were not military preparations?

GÖRING: Those were general preparations for mobilization, such as every country makes, and not for the purpose of the occupation of the Rhineland.

MR. JUSTICE JACKSON: But were of a character which had to be kept entirely secret from foreign powers?

GÖRING: I do not think I can recall reading beforehand the publication of the mobilization preparations of the United States.

MR. JUSTICE JACKSON: Well, I respectfully submit to the Tribunal that this witness is not being responsive, and has not been in his examination, and that it is . . .

[The defendant interposed a few words which were not recorded.]

It is perfectly futile to spend our time if we cannot have responsive answers to our questions.

[The defendant interposed a few words which were not recorded.]

We can strike these things out. I do not want to spend time doing that, but this witness, it seems to me, is adopting, and has adopted, in the witness box and in the dock, an arrogant and contemptuous attitude toward the Tribunal which is giving him the trial which he never gave a living soul, nor dead ones either.

I respectfully submit that the witness be instructed to make notes, if he wishes, of his explanations, but that he be required to answer my questions and reserve his explanations for his counsel to bring out.

THE PRESIDENT: I have already laid down the general rule, which is binding upon this defendant as upon other witnesses.

Perhaps we had better adjourn now at this state.

[The Tribunal adjourned until 20 March 1946 at 1000 hours.]

EIGHTY-SIXTH DAY

Wednesday, 20 March 1946

Morning Session

MR. JUSTICE JACKSON: If the Tribunal please, the last question which I asked last night referring to mobilization preparations in the Rhineland, as shown in the official transcript, was this: "But of a character which had to be kept entirely secret from foreign powers?" The answer was: "I do not believe I can recall the publication of the preparations of the United States for mobilization."

Now, representing the United States of America, I am confronted with these choices—to ignore that remark and allow it to stand for people who do not understand our system; or to develop, at considerable expense of time, its falsity; or to answer it in rebuttal. The difficulty arises from this, Your Honor, that if the witness is permitted to volunteer statements in cross-examination there is no opportunity to make objection until they are placed on the record. Of course, if such an answer had been indicated by a question of counsel, as I respectfully submit would be the orderly procedure, there would have been objection; the Tribunal would have been in a position to discharge its duty under the Charter and I would have been in a position to have shortened the case by not having that remark placed.

The Charter in Article 18 provides that the Tribunal shall rule out irrelevant issues and statements of any kind whatsoever. We are squarely confronted with that question; we cannot discharge those duties if the defendant is to volunteer these statements without questions which bring them up. I respectfully submit that, if the ruling of the Tribunal that the defendant may volunteer questions of this kind is to prevail, the control of these proceedings is put in the hands of this defendant, and the United States has been substantially denied its right of cross-examination under the Charter, because cross-examination cannot be effective under this kind of procedure. Since we cannot anticipate, we cannot meet . . .

THE PRESIDENT: I quite agree with you that any reference to the United States' secrecy with reference to mobilization is entirely irrelevant, and that the answer ought not to have been made, but the only rule which the Tribunal can lay down as a general rule is the rule—already laid down—that the witness must answer if possible "yes" or "no," and that he may make such explanations as

may be necessary after answering questions directly in that way, and that such explanations must be brief and not be speeches. As far as this particular answer goes, I think it is entirely irrelevant.

MR. JUSTICE JACKSON: I must, of course, bow to the ruling of the Tribunal, but it is to the second part, I quite recall the admonition of the Court that there shall be answers "yes" or "no." This witness, of course, pays not the slightest attention to that, and I must say I cannot blame him; he is pursuing his interests. But we have no way of anticipating, and here we are confronted with this statement in the record, because when these statements are volunteered they are in the record before the Tribunal can rule upon them and I have no opportunity to make objections, and the Tribunal have no opportunity to rule. And it puts, as I said before, the control of these proceedings in the hands of the defendant, if he first makes the charges and then puts it up to us to ignore them or answer them by long cross-examination in rebuttal; and I think the specific charge made against the United States of America from the witness stand presents that.

Your Honor now advises the United States that it is an improper answer, but it is in the record and we must deal with it. I respectfully submit that unless we have...

THE PRESIDENT: What exactly is the motion you are making? Are you asking the Tribunal to strike the answer out of the record?

MR. JUSTICE JACKSON: Well, no; in a Trial of this kind, where propaganda is one of the purposes of the defendant, striking out does no good after the answer is made, and Göring knows that as well as I. The charge has been made against the United States and it is in the record. I am now moving that this witness be instructed that he must answer my questions "yes" or "no" if they permit an answer, and that the explanation be brought out by his counsel in a fashion that will permit us to make objections, if they are irrelevant, and to obtain rulings of the Tribunal, so that the Tribunal can discharge its functions of ruling out irrelevant issues and statements of any kind whatsoever. We must not let the Trial degenerate into a bickering contest between counsel and the witness. That is not what the United States would expect me to participate in. I respectfully suggest that if he can draw any kind of challenge...

THE PRESIDENT: Are you submitting to the Tribunal that the witness has to answer every question "yes" or "no" and wait until he is re-examined for the purpose of making any explanations at all?

MR. JUSTICE JACKSON: I think that is the rule of cross-examination under ordinary circumstances. The witness, if the

question permits it, must answer, and if there are relevant explanations they should be reserved until later.

Now let me come back to the specific problem I have right here this morning. Here is an answer given which the Tribunal now rules is irrelevant. But we have no opportunity to object to it. The Tribunal had no opportunity to rule upon it. The witness asks, "Did you ever hear of the United States publishing its plan of mobilization?" Of course, we would have objected. The difficulty is that the Tribunal loses control of these proceedings if the defendant, in a case of this kind where we all know propaganda is one of the purposes of the defendant, is permitted to put his propaganda in, and then we have to meet it afterwards. I really feel that the United States is deprived of the opportunity of the technique of cross-examination if this is the procedure.

THE PRESIDENT: Surely it is making too much of a sentence the witness has said, whether the United States makes its orders for mobilization public or not. Surely that is not a matter of very great importance. Every country keeps certain things secret. Certainly it would be much wiser to ignore a statement of that sort. But as to the general rule, the Tribunal will now consider the matter. I have already laid down what I believe to be the rule, and I think with the assent of the Tribunal, but I will ascertain . . .

MR. JUSTICE JACKSON: Let me say that I agree with Your Honor that as far as the United States is concerned we are not worried by anything the witness can say about it—and we expected plenty. The point is, do we answer these things or leave them, apart from the control of the Trial? And it does seem to me that this is the beginning of this Trial's getting out of hand, if I may say so, if we do not have control of this situation. I trust the Tribunal will pardon my earnestness in presenting this. I think it is a very vital thing.

THE PRESIDENT: I have never heard it suggested that the Counsel for the Prosecution have to answer every irrelevant observation made in cross-examination.

MR. JUSTICE JACKSON: That would be true in a private litigation, but I trust the Court is not unaware that outside of this courtroom is a great social question of the revival of Nazism and that one of the purposes of the Defendant Göring—I think he would be the first to admit—is to revive and perpetuate it by propaganda from this Trial now in process.

THE PRESIDENT: Yes, Doctor Stahmer?

DR. STAHMER: I just wanted to explain the following: An accusation has been made as if we intended to make propaganda here

for Nazism, or in some other direction. I do not think this accusation is justified. Neither do I believe that the defendant intended to make an accusation against the United States. I think we have to consider the question that was put to him. That is, it was pointed out to him by the Prosecution that this document which was submitted to him was marked "secret." Then he stated that he had never heard that a document of that kind would have been made public in the United States. If instead of the U.S.A. he had said any other nation, then the remark would have been considered harmless.

In my opinion the answer was quite justified. The witness should be given the possibility not only to answer "yes" or "no," but to give reasons for his answer, as ruled by the Court.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal considers that the rule which it has laid down is the only possible rule and that the witness must be confined strictly to answering the question directly where the question admits of a direct answer, and that he must not make his explanation before he gives a direct answer; but, after having given a direct answer to any question which admits of a direct answer, he may make a short explanation; and that he is not to be confined simply to making direct answers "yes" or "no," and leaving the explanation until his counsel puts it to him in his re-examination.

As to this particular observation of the defendant, the defendant ought not to have referred to the United States, but it is a matter which I think you might well ignore.

MR. JUSTICE JACKSON: I shall bow to the ruling, of course.

I wish to make a statement to the Tribunal about one of the documents. At the conclusion of the session yesterday we were considering Document Number EC-405. The Defendant Göring challenged the use of a word which he said should have been translated "clearance" rather than "liberation." We have since had the translation checked and find that the defendant is correct. This document was introduced under Exhibit Number GB-160 on the 9th of January, at Page 2396 of the Tribunal's records (Volume V, Page 28), and since it has already been received in evidence and it is before the Tribunal, we think it incumbent upon the Prosecution to make that correction now for the record.

[Turning to the witness.] You stated yesterday that the minutes of the Reich Defense Council with which you were presented were not minutes of a meeting of the Reich Defense Council as such?

GÖRING: Yes, I said that.

MR. JUSTICE JACKSON: And your testimony, notwithstanding that document, still stands, I take it, that the Reich Defense Council never met?

GÖRING: I said that also, yes.

MR. JUSTICE JACKSON: I now ask to have you shown a document which has just come into our possession, the minutes of the second session of the Reich Defense Council. I should have said, just come to us for translation. We have not had it translated; we just discovered it among our great collection of documents.

THE PRESIDENT: Could Doctor Stahmer have a copy in English or not?

MR. JUSTICE JACKSON: We have not even had a chance to get it into English. I do not know what it says except that it is the minutes of their meeting. We have a photostat.

[Turning to the witness.] Are those not the minutes of the second meeting of the Reich Defense Council held on the 23rd of June 1939?

GÖRING: I must read it first.

MR. JUSTICE JACKSON: I call your attention to the fact that the chairman is Minister President General Field Marshal Göring. You will find that on Page 1.

GÖRING: I have never disputed that. It was fixed by law. This deals with the second Reich Defense Council, not the first one. Besides, I was not present at this meeting; and I point out that on the left is a list of the authorities who took part in the meeting, and in my case it says "Minister President Field Marshal Göring," and on the right, as representative for him, "State Secretary Körner and State Secretary Neumann." But I shall have to look through the document first in order to find out whether I took part personally.

MR. JUSTICE JACKSON: Does it not say on Page 1, directly under the place of meeting, "Chairman: Minister President Göring"?

GÖRING: Yes. I have to read it first.

MR. JUSTICE JACKSON: Do you deny the authenticity of those minutes?

GÖRING: I have not looked them through yet.

It seems to be an absolutely authentic copy of the minutes; I admit that. But here again we are dealing with a meeting not, as I said when answering my counsel, of the Reich Defense Council, but of a larger meeting in which many other departments participated; and it is a matter of the second Reich Defense Council, which was set up after 1938, not a secret council such as was the case from 1933-38.

MR. JUSTICE JACKSON: In other words, in interpreting your testimony, we must understand that, when you say there was no meeting of the Reich Defense Council, you mean only that there were no meetings at which no other people were present?

GÖRING: No, that is not correct. There were two Reich defense laws concerning the Reich Defense Council, which I tried to explain in my statement: the Secret Council of 1933 to 1938, which was not made public, and the Reich Defense Council which was created in 1938 and converted into the Ministerial Council in 1939; the latter held meetings which were in no way confined to its own members.

MR. JUSTICE JACKSON: Then you say that this was not the Defense Council that met under the ban of secrecy?

GÖRING: The Prosecution want me to answer first with "yes" or "no." It is hard to answer this question with "yes" or "no." I assert that the Secret Defense Council, which was not made public and which arose out of a meeting of ministers in 1933, never met. After 1938 a new Reich defense law created a new council. At that time it was clear that our military sovereignity had already been declared. This first council, which the Prosecution called the secret one, never met, and the document of yesterday proved that.

MR. JUSTICE JACKSON: Will you refer to Page 19 of this document, please, and tell me whether one of the very things with which this meeting concerned itself was not the lifting of the secrecy ban from the Reich defense law?

GÖRING: No, that is not the way it reads here. If I may translate it, the last point on the agenda: Consequences resulting from the lifting of the secrecy ban on the Reich defense law and measures to expedite procedures have already been dealt with by a letter from the Reich Defense Committee on 26 June: "Consequences resulting from the lifting of the secrecy ban with a view to expediting written communications."

MR. JUSTICE JACKSON: You have stated that on the Jewish question, some of the members of the government were more radical than you. Would you state who these were?

GÖRING: Broadly speaking, when we took over the government, we only demanded their removal from political and other leading positions in the State.

MR. JUSTICE JACKSON: That is not what I asked you.

THE PRESIDENT: That is not a direct answer to the question. The question was that you said some members of the government were more radical toward Jews than you were. Would you tell us which of the members of the government were more radical than you were?

GÖRING: Excuse me, I did not understand the question to mean who were more radical, but in what way they were more radical. If you ask who, then I would say that those were primarily Minister Goebbels and Himmler.

MR. JUSTICE JACKSON: Do you also include your co-defendant, Streicher, as more radical than you?

GÖRING: Yes, but he was not a member of the government.

MR. JUSTICE JACKSON: He was the Gauleiter, was he not, for this very territory in which we are sitting.

GÖRING: That is correct; but he had very little or no influence on government measures.

MR. JUSTICE JACKSON: What about Heydrich?

GÖRING: Heydrich was subordinate to Himmler. If I said Himmler, I, of course, include Heydrich.

MR. JUSTICE JACKSON: Heydrich is then included in the list of the more radical ones to whom you refer?

GÖRING: That is right; yes.

MR. JUSTICE JACKSON: What about Bormann?

GÖRING: It was only during the later years that I observed that Bormann was becoming more radical. I do not know anything about his attitude in the beginning.

MR. JUSTICE JACKSON: Now, I want to review with you briefly what the Prosecution understands to be public acts taken by you in reference to the Jewish question. From the very beginning you regarded the elimination of the Jews from the economic life of Germany as one phase of the Four Year Plan under your jurisdiction, did you not?

GÖRING: The elimination, yes; that is partly correct. The elimination as far as the large industries were concerned, because there were continual disturbances due to the fact that there were large industries, also armament industries, still partly under Jewish directors, or with Jewish shareholders, and that gave rise to a certain anxiety among the lower ranks.

MR. JUSTICE JACKSON: Now, do I understand that you want the Tribunal to believe that all you were concerned about was the big Jewish enterprises? That is the way you want to be understood?

GÖRING: I was not at first disturbed by the small stores. They did not come into the Four Year Plan.

MR. JUSTICE JACKSON: When did you become disturbed by the small stores?

GÖRING: When trade had to be limited, it was pointed out that this could be done first by closing the Jewish stores.

MR. JUSTICE JACKSON: Now, let us go through the public acts which you performed on the Jewish question. First, did you proclaim the Nuremberg Laws?

GÖRING: As President of the Reichstag, yes. I have already stated that.

MR. JUSTICE JACKSON: What date was that?

GÖRING: 1935, I believe; here in Nuremberg, in September.

MR. JUSTICE JACKSON: That was the beginning of the legal measures taken against the Jews, was it not?

GÖRING: That was a legal measure.

MR. JUSTICE JACKSON: That was the first of the legal measures taken by your government against the Jews, was it not?

GÖRING: No, I believe the removal from office was before.

MR. JUSTICE JACKSON: When was that?

GÖRING: I could not state the exact date, but I believe that happened in 1933.

MR. JUSTICE JACKSON: Then on the first day of December 1936, you promulgated an act making it a death penalty for Germans to transfer property abroad or leave it abroad; the property of a culprit to be forfeited to the State, and the People's Court given jurisdiction to prosecute, did you not?

GÖRING: That is correct; the "Decree Governing Restriction on Foreign Currency." That is to say, whoever had an account in a foreign country without permission of the government.

MR. JUSTICE JACKSON: Then, your third public act was on 22 April 1938 when you published penalties for veiling the character of a Jewish enterprise within the Reich, was it not?

GÖRING: Yes.

MR. JUSTICE JACKSON: Then on 28 July 1939, you, Hermann Göring, published certain prescriptions on the competence of the courts to handle those matters by the decree, did you not?

GÖRING: Please, would you kindly read the law to me? I cannot recall it.

MR. JUSTICE JACKSON: I will not take time reading it. Do you deny that you published the *Reichsgesetzblatt* law, 1939, found on Page 1370, referring to the competence of the courts to handle penalties against Jews? If you do not remember, say so.

GÖRING: Yes, I say that I cannot remember the law. If it is in the *Reichsgesetzblatt* and bears my name, then, of course, it is so; but I do not remember the contents.

MR. JUSTICE JACKSON: Now, on 26 April 1938 you, under the Four Year Plan, published a decree providing for the registration of Jewish property and provided that Jews inside and outside Germany must register their property, did you not?

GÖRING: I assume so. I no longer remember it, but if you have the decree there, and if it is signed by me, there cannot be any doubt.

MR. JUSTICE JACKSON: On 26 April 1938 you published a decree under the Four Year Plan, did you not, that all acts of disposal of Jewish enterprises required the permission of the authorities?

GÖRING: That I remember.

MR. JUSTICE JACKSON: Then you published on 12 November 1938 a decree, also under the Four Year Plan, imposing a fine of a billion marks for atonement on all Jews?

GÖRING: I have already explained that all these decrees at that time were signed by me, and I assume responsibility for them.

MR. JUSTICE JACKSON: Well, I am asking you if you did not sign that particular decree? I am going to ask you some further questions about it later.

GÖRING: Yes.

MR. JUSTICE JACKSON: Then on the 12th of November 1938, you also signed a decree that, under the Four Year Plan, all damage caused to Jewish property by the riots of 1938 must be repaired immediately by the Jews, and at their own expense; and their insurance claims were forfeited to the Reich. Did you personally sign that law?

GÖRING: I did sign a similar law. Whether it was exactly the same as you have just read, I could not say.

MR. JUSTICE JACKSON: You do not disagree that that was the substance of the law, do you?

GÖRING: No.

MR. JUSTICE JACKSON: And on the 12th of November 1938, did you not also personally sign a decree, also under the Four Year Plan, that Jews may not own retail stores, or engage independently in handicrafts or offer goods, or services, for sale at markets, fairs, or exhibitions; or act as leaders of enterprises or as members of co-operatives? Do you recall all of that?

GÖRING: Yes. Those are all parts of the decrees for the elimination of Jewry from economic life.

MR. JUSTICE JACKSON: Then, on the 21st of February 1939, you personally signed a decree, did you not, that the Jews must surrender all objects of precious metals and jewels purchased, to the public office within 2 weeks?

GÖRING: I do not remember that, but without doubt, that is correct.

MR. JUSTICE JACKSON: I refer to Volume I of the *Reichsgesetzblatt,* 1939, Page 282. You have no recollection of that?

GÖRING: I have not the *Reichsgesetzblatt* in front of me now, but if there is a decree in the *Reichsgesetzblatt,* or a law signed with my name, then I signed that law and decreed it.

MR. JUSTICE JACKSON: Did you not also, on the 3rd of March 1939, sign a further decree concerning the period within which items of jewelry must be surrendered by Jews—*Reichsgesetzblatt,* Volume I, 1939, Page 387?

GÖRING: I assume that was the decree for the execution of the decree for surrender previously mentioned. A law sometimes requires regulations and decrees for execution consequent upon the law. Taken together, this is one single measure.

MR. JUSTICE JACKSON: Did you not also sign personally a decree under the Four Year Plan, of the 17th of September 1940, ordering the sequestration of Jewish property in Poland?

GÖRING: Yes, as I stated before, in that part of Poland which, I may say, as an old German province, was to return to Germany.

MR. JUSTICE JACKSON: Did you not also, on the 30th day of November 1940, personally sign a decree which provided that the Jews should receive no compensation for damages caused by enemy attacks or by German forces, and did you not sign that in the capacity of President of the Reich Defense Council? I refer to the *Reichsgesetzblatt,* Volume I, 1940, Page 1547.

GÖRING: If you have it there before you, then it must be correct.

MR. JUSTICE JACKSON: You have no recollection of that?

GÖRING: Not of all the separate laws and decrees. That is impossible.

MR. JUSTICE JACKSON: Then, it was you, was it not, who signed, on the 31st day of July 1941, a decree asking Himmler, and the Chief of Security Police and the SS Gruppenführer Heydrich to make the plans for the complete solution of the Jewish question?

GÖRING: No, that is not correct. I know that decree very well.

MR. JUSTICE JACKSON: I ask to have you shown Document 710, Exhibit Number USA-509.

THE PRESIDENT: Is that 710-PS?

MR. JUSTICE JACKSON: 710-PS, Your Honor.

[Turning to the witness.] That document is signed by you, is it not?

GÖRING: That is correct.

MR. JUSTICE JACKSON: And it is addressed to the Chief of the Security Police and the Security Service, and to SS Gruppenführer Heydrich, isn't it?

GÖRING: That is also correct.

MR. JUSTICE JACKSON: I am not certain whether the entire thing has been read into the record, but I think it should be; and, that we may have no difficulty about the translation of this, you correct me if I am wrong:

"Completing the task that was assigned to you on the 24th of January 1939 . . ."

GÖRING: Here is a mistake already. It says: "Complementing" not "completing" the task which has been assigned to you.

MR. JUSTICE JACKSON: Very well, I will accept that.

". . . which dealt with arriving at a thorough furtherance of emigration and evacuation, a solution of the Jewish problem, as advantageously as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe."

Am I correct so far?

GÖRING: No, that is in no way correctly translated.

MR. JUSTICE JACKSON: Give us your translation of it?

GÖRING: May I read it as it is written here?

"Complementing the task which was conferred upon you already on 24 January 1939, to solve the Jewish problem by means of emigration and evacuation in the best possible way according to present conditions, I charge you herewith to make all necessary preparations as regards organizational, factual, and material matters. . . ."

Now comes the decisive word which has been mistranslated: "for a total solution," not "for a final solution."

". . . for a total solution of the Jewish question within the area of German influence in Europe. Should these come within the competence of other governmental departments, then such departments are to co-operate.

"I charge you further to submit to me as soon as possible a general plan showing the organizational and material measures for reaching the desired total solution of the Jewish question. . . . Complementing the task assigned to you on 24 January 1939. . . ."

That was at a time when there was no war or prospect of a war.

MR. JUSTICE JACKSON: Now are you reporting the instrument or are you making an explanation?

GÖRING: I wanted to add an explanation to the quotation and just to point out the date.

MR. JUSTICE JACKSON: Yes. Well, I just did not want it to appear that it was a part of the instrument. The last that is contained in the instrument is:

"I charge you furthermore to send me, before long, an overall plan concerning the organizational, factual, and material measures necessary for the accomplishment of the desired solution of the Jewish question."

Is that not a substantially accurate translation of your order to Heydrich and Himmler?

GÖRING: To Heydrich and the other government departments which had anything to do with it. That can be seen from the first part of the letter, the last sentence.

MR. JUSTICE JACKSON: Let us have no misunderstanding about this translation now. This letter was directed to the Chief of the Security Police and the Security Service, and SS Gruppenführer Heydrich. We are right about that, are we not?

GÖRING: That is correct, but I have to make an explanation in connection with that.

MR. JUSTICE JACKSON: All right.

GÖRING: The reason I sent this letter to him was that, by the decree of 24 January 1939, Heydrich, or it may have been Himmler, had been given the task of dealing with the emigration of the Jews. Therefore, this was the government department concerned, and it was to the department which had been given the task that I had to apply concerning all material and economic matters arising therefrom.

MR. JUSTICE JACKSON: Yes. And you ordered all other governmental agencies to co-operate with the Security Police and the SS in the final solution of the Jewish question, did you not?

GÖRING: There is nothing about the SS here, only about the Sicherheitspolizei, a governmental agency. The fact that Heydrich was SS Gruppenführer had no direct bearing on it, because it was sent to the Chief of the Security Police—mentioning his rank as SS Gruppenführer Heydrich.

MR. JUSTICE JACKSON: And mentioning his rank in the SS was just superfluous and has nothing to do with the case?

GÖRING: I have to explain that. For instance, if I write to the Commander-in-Chief of the Army, then I write: "To the Commander-in-Chief of the Army, Colonel General or Field Marshal Von

Brauchitsch." And if I write to the Chief of the Security Police, then I must address it: "To the Chief of the Security Police, SS Gruppenführer Heydrich." That was his rank and his title. However, that does not mean that the SS had anything to do with it.

MR. JUSTICE JACKSON: Now, at the time that you issued this order you had received complete reports as to the 1938 riots and Heydrich's part in them, hadn't you?

GÖRING: At that time I had no knowledge of Heydrich's part in the riots—only Heydrich's report on the riots, for which I had asked.

MR. JUSTICE JACKSON: All right. Now we will show you Document Number 3058-PS, in evidence as Exhibit Number USA-508.

[Document 3058-PS was submitted to the witness.]

That is the report written by Heydrich which you say you had received, and it is dated 11 November 1938, is it not?

GÖRING: That is correct.

MR. JUSTICE JACKSON: And it recited to you the looting of Jewish shops, the arrest of 174 persons for looting, the destruction of 815 shops, 171 dwellings set on fire or destroyed, and that this indicated only a fraction of the actual damage caused; 191 synagogues were set on fire, and another 76 completely destroyed; in addition, 11 parish halls, cemetery chapels, and similar buildings were set on fire, and 3 more completely destroyed; 20,000 Jews were arrested; also, 7 Aryans and 3 foreigners—the latter were arrested for their own safety; 36 deaths were reported, and the seriously injured were also numbered at 36. Those killed and injured are Jews. One Jew is still missing. The Jews killed include 1 Polish national, and those injured include 2 Poles.

You had that report on or about the 11th day of November 1938, did you not?

GÖRING: That is correct. That is the report mentioned by me and which I had asked the police to supply, because I wanted to know what had happened up to then.

MR. JUSTICE JACKSON: Exactly. And the note was made at the top of it, "The General Field Marshal has been informed and no steps are to be taken." Was it not?

GÖRING: That is not quite correct. It says here, "General Field Marshal has taken note. No steps are to be taken by any other office," because I myself wanted to take them.

MR. JUSTICE JACKSON: Now, you know that that is not true, do you not, that steps were to be taken by some other office? I put

it to you squarely whether you are telling this Tribunal the truth when you say that no steps were to be taken by anyone else.

GÖRING: This is a note by my staff department, that nothing was to be done by that quarter, because I said I was going to deal with it personally. In fact I went straight to the Führer with this report.

MR. JUSTICE JACKSON: All right. Did you receive a report from the Chief Party Judge of the Nazi Party, dated Munich, the 13th of February 1939, concerning the proceedings taken by the Party in these matters?

GÖRING: That is correct. I received that report much later.

MR. JUSTICE JACKSON: And at the time you appointed—I withdraw the question. It is obvious from the dates of the documents. You acknowledged the receipt of that document, did you not, to Party member Buch?

GÖRING: That is also correct.

MR. JUSTICE JACKSON: And the only proceedings that were taken about these riots were those taken by the Party Court, were they not?

GÖRING: Not quite; some were brought before the law courts. That is in the report also.

MR. JUSTICE JACKSON: I ask that he be shown the report, which is Document 3063-PS. It is not in evidence. Since the document apparently has not been brought here, I will ask you from your recollection.

GÖRING: I know it fairly well.

MR. JUSTICE JACKSON: I thought so.

GÖRING: No, because it has been submitted to me before, here.

MR. JUSTICE JACKSON: Yes, it has not been kept from you. Now, in the first place, the Party Court reported that it was probably understood—I quote—"by all of the Party leaders present, from oral instructions of the Reich Propaganda Director, that the Party should not appear outwardly as the originator of the demonstrations, but in reality should organize and execute them." Was that the report of the Party Court?

GÖRING: The Party Court, as a result of its investigation, established that the Propaganda Chief, Dr. Goebbels, had given these directives. May I ask, if we are dealing with a report dated March or maybe April?

MR. JUSTICE JACKSON: The 13th of February 1939, is the date.

GÖRING: Yes, that is correct; that is the result of investigations after the incidents.

MR. JUSTICE JACKSON: That is right. Now, as a result of the riots, did the Court, the Party Court, not also report this to you: that the Supreme Party Court has reserved itself the right to investigate the killings, also the severe mistreatment and moral crimes and will request the Führer to drop proceedings against any person whom the Party Court did not find guilty of excesses?

GÖRING: That is correct.

MR. JUSTICE JACKSON: And the Party Court was made up of Gauleiter and Group Leaders of the Party?

GÖRING: The Party Court changed. I cannot say just now, without having the document, who made up the Party Court at that time. I see that I am being given the document.

MR. JUSTICE JACKSON: I call your attention to Page 4, toward the bottom, where the report says, "Gauleiter and Group Leaders of the branches served as jurors at the trials and decisions."

GÖRING: Yes, it was a matter of course that the jurors of the Party Court were always taken from these categories according to their importance. I wanted only to say I did not know which persons were taking part here.

MR. JUSTICE JACKSON: Now, the Party Court found five persons guilty of offenses, did they not? Number 1, a Party member, was guilty of a moral crime and race violation and he was expelled. Is that right?

GÖRING: And turned over to the penal court. That is what it says in the last sentence.

MR. JUSTICE JACKSON: That is right. Another Party member, Case Number 2, was suspected of race violation and expelled from the Nazi Party.

GÖRING: Expelled for suspected race violation and theft, and turned over to the ordinary court.

MR. JUSTICE JACKSON: Yes; and Number 2, Gustav, was expelled from the Party and SA for theft. Right?

GÖRING: You are at Number 3?

MR. JUSTICE JACKSON: I have Number 2, Gustav, the first name mentioned.

GÖRING: Gustav is the first name—Gerstner—yes, for theft, also turned over to the ordinary court for suspected race violation.

MR. JUSTICE JACKSON: Now, Number 3 dealt with two expulsions of Party members on the grounds of moral crimes against a Jewess, and they are now held in protective custody. Right?

GÖRING: Expelled from the NSDAP and taken into protective custody; they were also turned over to the civil court later. I know that very well.

MR. JUSTICE JACKSON: Now, we come to Cases 4 and 5, the first of which was a man, a Party member and SA member, who was reprimanded and declared unfit to hold office for 3 years because of a disciplinary offense, namely, for killing the Jewish couple Selig, contrary to order. Is that right?

GÖRING: That is correct.

MR. JUSTICE JACKSON: And in the last of these cases the offender was reprimanded and declared unfit to hold office for 3 years for shooting a 16-year-old Jew, contrary to orders after completion of the drive. Is that right?

GÖRING: That is correct.

MR. JUSTICE JACKSON: We now come to the cases of the killing of Jews, where proceedings were suspended or minor punishments pronounced. I will not go through those in detail, but it is a fact that only minor punishments were pronounced by the Supreme Court of the Party for the killing of Jews, were they not?

GÖRING: Yes, that is correct.

MR. JUSTICE JACKSON: I now ask you to turn to Page 8.

GÖRING: One moment please.

MR. JUSTICE JACKSON: I call your attention to the language in regard to Cases 3 to 16.

GÖRING: Which page, please?

MR. JUSTICE JACKSON: Nine, I believe it is. The Supreme Party Court asks the Führer to quash the proceedings in the State criminal courts.

GÖRING: To quash them, to beat them down, that does not mean suppress. A penal proceeding can be "niedergeschlagen." In Germany that is a different thing from "suppress."

MR. JUSTICE JACKSON: Well, you give us your version of it and tell us what it is. What does beating down a proceeding mean? Does it mean that it has ended?

GÖRING: That is what it means, but it can only be ordered by an office which has authority to do it; that is to say, the Führer can at any time "beat down" a proceeding by way of an amnesty. The Cabinet could at any time pass a resolution to "beat down" a proceeding—suppressing it would have been illegal. In Germany, "niedergeschlagen" is a legal term meaning "to suspend."

MR. JUSTICE JACKSON: And one further question. It was also reported to you, was it not, in that report—I refer to Page 11:

"The public down to the last man realize that political drives, like those of 9 November, were organized and directed by the Party, whether this is admitted or not. When all the synagogues burned down in one night, it must have been organized in some way and can only have been organized by the Party."

That also was in the report of the Supreme Party Court, was it not?

GÖRING: I have not found it yet. It is not the same page as mine.

MR. JUSTICE JACKSON: Let us find it and not have any mistake about it. Page 11. I should think it would be at the very bottom of Page 10, perhaps, where it starts.

GÖRING: Yes, I have just found it.

MR. JUSTICE JACKSON: Did I give a reasonably correct translation of it?

GÖRING: That is correct.

THE PRESIDENT: Would that be a convenient time to break off? Before we break off, will you offer in evidence these documents that you have been putting to the witness? Those which are not already in evidence?

MR. JUSTICE JACKSON: Yes, they should be, Your Honor, I will do that.

THE PRESIDENT: I think Document 3575-PS may have been offered yesterday, but not strictly offered in evidence; and Document 3063-PS today; and one other document the number of which I have not got.

MR. JUSTICE JACKSON: I appreciate very much your calling my attention to it.

[A recess was taken.]

DR. HORN: Mr. President: I ask you, Your Honor, to permit the Defendant Von Ribbentrop to be absent from tomorrow's session, as there are still some fundamental questions I have to discuss with him in order to prepare his counterevidence.

THE PRESIDENT: Dr. Horn, your suggestion as I understand it, is that the Defendant Ribbentrop should be absent from tomorrow morning's sitting in order that you may consult with him in reference to the preparation of his defense. Is that right?

DR. HORN: Yes.

THE PRESIDENT: The Tribunal has no objection to that course being taken provided that you make arrangements with some other Defense Counsel to look after Defendant Ribbentrop's interests if any questions arise. The Tribunal does not wish that you should come hereafter and say that you and Defendant Ribbentrop were out of court and object to what may have happened in your absence. You understand what I mean?

DR. HORN: Yes, Mr. President, and I give you my assurance that I will not use an objection of that nature, and shall ask one of my colleagues to act on my behalf.

THE PRESIDENT: The Tribunal has no objection to your taking that course of action, but of course you realize that the Trial cannot be held up by any delay which might be caused in the future by the fact that you were not present.

DR. HORN: Mr. President, the purpose of my request is such that it will help me to avoid future delays.

THE PRESIDENT: Yes, I quite understand that. I was only saying that in allowing you to do this, which is perfectly reasonable, the Tribunal is merely indicating they will not allow any future delays. The Trial must continue.

DR. HORN: I understand that and I wish to thank you.

MR. JUSTICE JACKSON: *[Turning to the witness.]* Now, the *Völkischer Beobachter* of the 12th of March 1933 quotes a speech of yours delivered at Essen on the 11th of March 1933, including the following—and I refresh your recollection by calling it to your attention:

> "I am told that I must employ the police. Certainly I shall employ the police, and quite ruthlessly, whenever the German people are hurt; but I refuse the notion that the police are protective troops for Jewish stores. No, the police protect whoever comes into Germany legitimately, but it does not exist for the purpose of protecting Jewish usurers."

Did you say that?

GÖRING: When did you say that was?

MR. JUSTICE JACKSON: Did you say that on the 11th of March 1933 in a speech at Essen, either that, or that in substance?

GÖRING: That is correct, but the circumstances were different. Before I answer, I would like to ask whether you have finished with the document in the book that was submitted to me previously. I gave no explanation and will ask my counsel to have me questioned later in regard to that document.

MR. JUSTICE JACKSON: That is satisfactory.

After the riots of November 9th and 10th, you have testified that you called a meeting on the 12th of November and ordered all officials concerned to be present, and that the Führer had insisted on Goebbels being present.

GÖRING: Yes, all chiefs of the economic departments.

MR. JUSTICE JACKSON: Could you tell us who was there in addition to yourself and Goebbels?

GÖRING: As far as I recall, the following were there for the purpose of reporting: The Chief of the Secret State Police, concerning the events, the Minister of Economy, the Minister of Finance, the Minister of the Interior . . .

MR. JUSTICE JACKSON: Will you please state their names so that there will not be any mistake about who was there at that time.

GÖRING: I can quote only from memory. There were present to draw up a report: The leader of the Secret State Police in Berlin, Heydrich; the Minister of the Interior, Dr. Frick; Dr. Goebbels you have mentioned already; the then Minister of Economy, Funk, was there; the Finance Minister, Count Schwerin von Krosigk; and Fischböck from Austria.

Those are the only names I can recall at present, but there may have been a few others there too.

MR. JUSTICE JACKSON: Part of the time, Hilgard, representing the insurance companies, was also present, was he not?

GÖRING: He was summoned and waited there. His views were asked on special questions.

MR. JUSTICE JACKSON: Now, you have been shown the stenographic minutes of that meeting which are in evidence as Exhibit Number USA-261, being Document Number 1816-PS, have you not, in your interrogation?

GÖRING: Yes.

MR. JUSTICE JACKSON: I will ask that they be shown to you, and now, so that we may have no misunderstanding about the translations.

You opened the meeting with this statement. I will read it: "Gentlemen . . ." I think perhaps we had better be clear about which meeting it was. This is the meeting held on the 12th day of November 1938 at the office of the Reich Air Ministry. That is correct, is it not?

GÖRING: Yes, that is correct.

MR. JUSTICE JACKSON: You opened the meeting:

"Gentlemen, today's meeting is of a decisive nature. I have received a letter written on the Führer's orders by the Stabsleiter of the Führer's Deputy, Bormann, requesting that the Jewish question be now, once and for all, co-ordinated and solved one way or another."

Is that correct?

GÖRING: Yes, that is correct.

MR. JUSTICE JACKSON: Further down, I find this:

"Gentlemen, I have had enough of these demonstrations. They do not harm the Jews, but finally devolve on me, the highest authority for the German economy. If today a Jewish shop is destroyed, if goods are thrown into the street, the insurance company will pay the Jew for the damages so that he does not suffer any damage at all. Furthermore, consumer goods, goods belonging to the people, are destroyed. If, in the future, demonstrations occur—and on occasion they may be necessary—then I ask that they be so directed that we do not cut our own throats."

Am I correct?

GÖRING: Yes, quite correct.

MR. JUSTICE JACKSON: Skipping two or three paragraphs, I come to this . . .

GÖRING: But the supplement has been omitted.

MR. JUSTICE JACKSON: Well, you can supplement it any way you want to.

GÖRING: ". . . then I ask that they be so directed that we do not cut our own throats. For it is absurd to empty and set fire to a Jewish store, when a German insurance company has to cover the damage, and the goods which I sorely need are burned. I might as well take and burn the raw materials when they come in."

MR. JUSTICE JACKSON: That is right. You read any part of it that you want to as we go along, in addition to what I read.

"I am not going to tolerate a situation in which the German insurance companies are the ones to suffer. To prevent this, I will use my authority and issue a decree. In this, of course, I ask for the support of the competent government agencies, so that everything shall be settled properly and the insurance companies will not be the ones who suffer.

"But another problem immediately emerges: It may be that these insurance companies have re-insurance in foreign

countries. If there are such re-insurances, I would not want to give them up, because they bring in foreign exchange. The matter must be looked into. For that reason, I have asked Mr. Hilgard from the insurance company to attend, since he is best qualified to tell us to what extent the insurance companies are covered by re-insurance against such damage. I would not want to give this up under any circumstances."

Is that correct?

GÖRING: That is absolutely correct.

MR. JUSTICE JACKSON: "I do not want to leave any doubt, gentlemen, as to the purpose of today's meeting. We have not come together merely to talk again, but to make decisions; and I earnestly ask the competent departments to take trenchant measures for the Aryanizing of German economy and to submit them to me as far as is necessary."

GÖRING: That is correct.

MR. JUSTICE JACKSON: I then skip a considerable portion, unless there is more that you wish to put in, and come to this statement:

"The State Trustee will estimate the value of the business and decide what amount the Jew shall receive. Naturally, this amount is to be fixed as low as possible. The State Trustee will then transfer the business to Aryan ownership. The aim is thus accomplished, inasmuch as the business is transferred to the right ownership and its goodwill and balance sheet remain unimpaired.

"Then the difficulties begin. It is easily understandable that attempts will be made on a large scale to get Party members into all these stores and thus give them some compensation. I have witnessed terrible things in the past; little chauffeurs of Gauleiter have profited so much by these transactions that they have raked in half a million. You gentlemen know it. Is that correct?"

And they assented.

GÖRING: Yes, I said that.

MR. JUSTICE JACKSON: Would you care to read anything further in connection with that?

GÖRING: Perhaps only the next sentence:

"These are, of course, things which are not permissible, and I shall not hesitate to deal ruthlessly with such underhand dealings. If a prominent person is involved I shall go straight to the Führer and report these dirty tricks quite impartially."

MR. JUSTICE JACKSON: That is, if any individual was attempting to profit by Jewish possessions—is that what you meant?

GÖRING: By Aryanization.

MR. JUSTICE JACKSON: I will quote another portion:

"In other words, it must be an ordinary business transaction. One sells his business and another buys it. If there are Party members among the would-be purchasers, they are to be given preference if they fulfill the same conditions. First of all should come those who have suffered damage. After that, preference should be given on grounds of Party membership."

I will skip a line or two:

"This Party member should have a chance to buy the business for as cheap a price as possible. In such a case, the State will not receive the full price, but only the amount the Jew received."

Is that correct?

GÖRING: Just a moment, please, I believe you skipped something.

MR. JUSTICE JACKSON: Yes, we did. If you want to put it in, you may read it.

GÖRING: No, I want to put it quite briefly, so that it will not take too long. I said what you have already said, that all things being equal, the Party member is to be given preference, the first on the list being the member who suffered prejudice by having his business license cancelled because he was a Party member. Then follows the paragraph which you read and which is correct.

MR. JUSTICE JACKSON: Now, you then speak at considerable length of the method by which you intended to Aryanize Jewish businesses, is that right?

GÖRING: Yes.

MR. JUSTICE JACKSON: And then you take up the Aryanization of Jewish factories.

GÖRING: Yes.

MR. JUSTICE JACKSON: You speak of the smaller factories first.

GÖRING: Yes.

MR. JUSTICE JACKSON: Have you found the place where you speak of the factories?

GÖRING: Yes, I have found it.

MR. JUSTICE JACKSON: I quote.

"Now the factories. With regard to the smaller and medium-sized ones, two things will have to be made clear: First, which are the factories for which I have no use, and which can

be shut-down? Could they not be put to another use? If not, then these factories are to be pulled down. Second, if the factory should be needed, it will be turned over to Aryans in the same manner as the stores."

That is correct, isn't it?

GÖRING: Yes.

MR. JUSTICE JACKSON: Do you care to say any more on that subject?

GÖRING: No, those are the basic elements for the laws.

MR. JUSTICE JACKSON: Now, I call your attention to the second paragraph, starting, "Take now the larger factories." Do you find that?

GÖRING: Yes.

MR. JUSTICE JACKSON: Dealing with the larger factories, do you not say the solution is very simple, that the factory can be compensated in the same manner as the stores, that is, at a rate which we shall determine, and the Trustee shall take over the Jew's interest, as well as his shares, and in turn sell or transfer them to the State as he thinks fit.

GÖRING: That means any one who has any interest in the factories will receive compensation, according to the scale laid down by us.

MR. JUSTICE JACKSON: And the reparation will be turned over to the State Trustee, will it not?

GÖRING: Yes, to the State Trustee. The matter was simply this: The Jew relinquished his ownership and received bonds. That was to be settled by the Trustee through 3 percent bonds.

MR. JUSTICE JACKSON: Well, we will pass on to where you deal with the foreign Jews, do you recall that?

GÖRING: Yes.

MR. JUSTICE JACKSON: At that point a representative of the Foreign Office claimed the right to participate on behalf of the Foreign Minister, is that right?

GÖRING: Yes.

MR. JUSTICE JACKSON: Well, now, we will pass on to the point of the conversation between yourself and Heydrich.

GÖRING: Just a moment, please. Part of the minutes are missing. All right. I have found the place where Heydrich is mentioned for the first time.

MR. JUSTICE JACKSON: You inquired how many synagogues were actually burned, and Heydrich replied, "Altogether there were

101 synagogues destroyed by fire, 76 synagogues demolished, and 7,500 stores destroyed in the Reich." Have I quoted that correctly?

GÖRING: Yes.

MR. JUSTICE JACKSON: Well, then Dr. Goebbels interposed, "I am of the opinion that this is our chance to dissolve the synagogues." And then you have a discussion about the dissolving of the synagogues, have you not?

GÖRING: By Dr. Goebbels, yes.

MR. JUSTICE JACKSON: Then, Dr. Goebbels raised the question of Jews traveling in railway trains?

GÖRING: Yes.

MR. JUSTICE JACKSON: Let me know if I quote correctly the dialogue between you and Dr. Goebbels on that subject. Dr. Goebbels said:

"Furthermore, I advocate that Jews be banned from all public places where they might cause provocation. It is still possible for a Jew to share a sleeper with a German. Therefore, the Reich Ministry of Transport must issue a decree ordering that there shall be separate compartments for Jews. If this compartment is full, then the Jews cannot claim a seat. They can only be given separate compartments after all Germans have secured seats. They must not mix with the Germans; if there is no more room, they will have to stand in the corridor."

Is that right?

GÖRING: Yes, that is correct.

MR. JUSTICE JACKSON: "Göring: I think it would be more sensible to give them separate compartments.

"Goebbels: Not if the train is overcrowded.

"Göring: Just a moment. There will be only one Jewish coach. If that is filled up the other Jews will have to stay at home.

"Goebbels: But suppose there are not many Jews going, let us say, on the long-distance express train to Munich. Suppose there are two Jews on the train, and the other compartments are overcrowded; these two Jews would then have a compartment to themselves. Therefore, the decree must state, Jews may claim a seat only after all Germans have secured a seat.

"Göring: I would give the Jews one coach or one compartment, and should a case such as you mention arise, and the train be overcrowded, believe me, we will not need a law.

He will be kicked out all right, and will have to sit alone in the toilet all the way."

Is that correct?

GÖRING: Yes. I was getting irritated when Goebbels came with his small details when important laws were being discussed. I refused to do anything. I issued no decrees or laws in this connection. Of course, today, it is very pleasant for the Prosecution to bring it up, but I wish to state that it was a very lively meeting at which Goebbels made demands which were quite outside the economic sphere, and I used these expressions to give vent to my feelings.

MR. JUSTICE JACKSON: Then Goebbels, who felt very strongly about these things, said that Jews should stand in the corridor, and you said that they would have to sit in the toilet. That is the way you said it?

GÖRING: No, it is not. I said that they should have a special compartment; and when Goebbels still was not satisfied, and harped on it, I finally told him, "I do not need a law. He can either sit in the toilet or leave the train." These are utterances made in this connection which, however, have nothing to do with the world-wide importance of the great conflict.

MR. JUSTICE JACKSON: Let us go down to where Goebbels brings up the subject of the German forests.

GÖRING: Just a moment. Yes. It starts where Goebbels asked for a decree which would prevent Jews from going to German holiday resorts. To which I replied "Give them their own." And then he suggested that it would have to be considered whether we should give them their own resorts, or place some German bathing places at their disposal, but not the best ones so that people might say: "You allow the Jews to get fit by using our bathing resorts." The question must also be considered whether it was necessary to forbid the Jews to go into the German forests. Herds of Jews are today running around in Grunewald; that is a constant provocation —and so on. Then when he broke in again, I replied very sharply, "It would be better to put a certain part of the forest at the disposal of the Jews," as he wanted them out of the whole of the forests. Then I made the remark which seems to be of so much interest.

MR. JUSTICE JACKSON: Let us have that remark. Is it not correct, you did state:

"We will give the Jews a certain part of the forest, and Alpers will see to it that the various animals, which are damnably like the Jews—the Elk too has a hooked nose—go into the Jewish enclosure and settle down among them."

Is that what you said?

GÖRING: Yes, I said it, but it should be linked up with the whole atmosphere of the meeting. Goebbels comes back on it again in the next sentence and says he considers my attitude provoking. I too can say I was provoked by his insistence on unimportant things, when such far-reaching and decisive matters were being discussed.

MR. JUSTICE JACKSON: Now, you come to the point where you ask Mr. Hilgard from the insurance company to come in. Can you find that?

GÖRING: Yes.

MR. JUSTICE JACKSON: Then you made a statement to Mr. Hilgard when he came in.

"The position is as follows: Because of the justified anger of the people against the Jews, the Reich has suffered a certain amount of damage. Windows have been broken, goods damaged, and people hurt; synagogues have been burned, and so forth, I suppose many of the Jews are also insured against damage committed by public disorder?

"Hilgard: Yes.

"Göring: If that is so, the following situation arises. The people in their justified anger meant to harm the Jews, but it is the German insurance companies which have to compensate the Jews for the damage. The thing is simple enough. I have only to issue a decree to the effect that damage resulting from these riots shall not have to be paid by the insurance companies."

Is that what you said?

GÖRING: Yes, I said all that.

MR. JUSTICE JACKSON: Hilgard then outlined three kinds of insurance. He pointed out that at least as far as plate glass insurance was concerned, the majority of the sufferers were Aryans who owned buildings and that, as a rule, the Jews only rented them. Is that right?

GÖRING: Yes, those are the details of the discussion.

MR. JUSTICE JACKSON: And Hilgard said:

"May I draw your attention to the following facts: Plate glass is not manufactured by the Bohemian glass industry, but is entirely in the hands of the Belgian glass industry. In my estimation the damage amounts to 6 millions; that is to say, under the insurance policies, we shall have to pay the owners,

who for the most part are Aryans, about 6 millions compensation for the glass."

THE PRESIDENT: Mr. Justice Jackson, before you pass from that page, in the third paragraph, just for the sake of accuracy, it appears that the name "Mr. Hilgard" is wrongly placed, does it not, because he seems both to put the question and to answer it.

MR. JUSTICE JACKSON: Well, I think that is...

THE PRESIDENT: Probably the Defendant Göring put the question. It is the third paragraph on my page.

MR. JUSTICE JACKSON: I take the minutes to read that when Hilgard appeared, Göring addressed him as "Mr. Hilgard."

THE PRESIDENT: Yes, I see.

MR. JUSTICE JACKSON: But it is correct, as Your Honor suggests.

GÖRING: I wish to point out what was said before concerning the broken glass. Goebbels said: "The Jews must pay for the damage," and I said, "It is no use, we have no raw material, it is all foreign glass. That will require foreign currency. It is like asking for the moon." Then Hilgard comes with the discussions just mentioned.

MR. JUSTICE JACKSON: Yes, and Hilgard pointed out that:

"Incidentally the amount of damage equals about half a year's production of the whole of the Belgian glass industry. We believe that the manufacturers will take 6 months to deliver the glass."

Do you recall that?

GÖRING: Yes.

MR. JUSTICE JACKSON: Well, passing down, you come to a point at which Hilgard tells you about a store on Unter den Linden which was attacked. Can you find that?

GÖRING: He said, "The biggest incident is the case of Margraf, Unter den Linden." Isn't that so?

MR. JUSTICE JACKSON: That is right.

GÖRING: Yes.

MR. JUSTICE JACKSON: "The damage reported to us amounts to 1,700,000 because the store was completely ransacked." Is that right?

GÖRING: Yes.

MR. JUSTICE JACKSON: "Göring: Daluege and Heydrich, you must get me these jewels by large-scale raids." Is that the order you gave?

GÖRING: Yes, of course, so that the stolen goods should be brought back.

MR. JUSTICE JACKSON: Brought back to you, not to the Jews?

GÖRING: Not to me personally, I beg your pardon, that is quite clear.

MR. JUSTICE JACKSON: Brought back to the State—you did not intend to return them to the Jews?

GÖRING: It does not say that here. The main thing is, that they should be brought back.

MR. JUSTICE JACKSON: "We are trying to get the loot back," as Heydrich put it, is that right? And you added, "And the jewels?"

GÖRING: If a large jewelry shop is plundered, something must be done about it because with these valuables a great deal of trouble could be caused. Therefore, I ordered raids to be carried out to have these things, as well as other stolen goods, brought back. When a business was Aryanized, its stock was also transferred to the new owner. The main point, however, was that action should be taken against those who had stolen and plundered, and in fact 150 had already been arrested.

MR. JUSTICE JACKSON: And Heydrich went on to report on the method of these raids after you reminded him to bring back, to get the jewels.

"It is difficult to say. Some of the articles were thrown into the street and picked up. The same happened with the furriers. For example, in the Friedrichstrasse in the district of Police Station C. There the crowd naturally rushed to pick up mink and skunk furs, *et cetera.* It will be very difficult to recover them. Even children filled their pockets just for the fun of the thing. It is suggested that the Hitler Youth should not be employed on such actions without the Party's consent. Such things are very easily destroyed."

GÖRING: Yes, so it says.

MR. JUSTICE JACKSON: And Daluege then suggests:

"The Party should issue an order to the effect that the police must immediately be notified if the neighbor's wife—everybody knows his neighbor very well—has a fur coat remodeled or somebody is seen wearing a new ring or bracelet. We should like the Party to assist in this matter."

Correct?

GÖRING: This is absolutely correct.

MR. JUSTICE JACKSON: Now, Hilgard objected to your plan of releasing the insurance companies from paying the claims, did he not?

GÖRING: Yes, this is also correct.

MR. JUSTICE JACKSON: And he gave the reasons:

"Hilgard: If I may give the reasons for my objection, the point is that we do a large international business. Our business has a sound international basis, and in the interests of the foreign exchange position in Germany we cannot allow the confidence in the German insurance business to be shaken. If we were now to refuse to fulfill commitments entered into by legal contracts it would be a blot on the escutcheon of the German insurance business.

"Göring: But it would not be if I were to issue a decree or a law."

Am I quoting correct?

GÖRING: Yes, and in Hilgard's reply—and that is the reply I wanted to come to—he pointed out that the insurance companies could not get out of paying claims unless a law provided for it. If the sovereign state passes a law to the effect that the insurance sums must be forfeited to the state, then the insurance companies are no longer under any obligation.

MR. JUSTICE JACKSON: Now, I suggest to you that that is not correct, but that even though you proposed to issue a decree absolving the German insurance companies, the companies insisted on meeting their obligations; and then Heydrich interposed and said: "By all means, let them pay the claims and when payment is made it will be confiscated. Thus we will save our face."

Correct?

GÖRING: Heydrich said that, but I issued a law.

MR. JUSTICE JACKSON: Did you not then say:

"One moment. They will have to pay in any case because Germans suffered damage. There will, however, be a law forbidding them to make direct payments to Jews. They will also have to make payment for damage suffered by Jews, not to the Jews, but to the Minister of Finance.

"Hilgard: Aha."

GÖRING: I have just said so.

MR. JUSTICE JACKSON: You accepted Heydrich's suggestion, which was quite contrary to the one you made?

GÖRING: No, I did not accept Heydrich's suggestion, but I issued a law to the effect that insurance money due to Jews must be paid to the Minister of Finance, as I did not agree with Heydrich that insurance money should be paid out and then surreptitiously confiscated. I went about it in a legal way and was not afraid to make

the necessary law and to take the responsibility for the claims to be paid to the State, that is, to the Minister of Finance.

MR. JUSTICE JACKSON: Well, the Tribunal will judge for itself, we have the evidence.

Now, Hilgard, representing the insurance companies, then raised the question that the amount of glass insurance premium was very important, that glass insurance was the companies' greatest asset, "but the amount of the damage now caused is twice as high as in an ordinary year," and he pointed out that the whole of the profits of the German insurance companies would be absorbed, did he not?

GÖRING: Yes.

MR. JUSTICE JACKSON: And also the question of the number of the stores destroyed—Heydrich reported 7,500, is that right?

GÖRING: Yes.

MR. JUSTICE JACKSON: Now, I call your attention to the following conversation.

Daluege . . .

Who, by the way, was he?

GÖRING: Daluege was the leader of the Schutzpolizei.

MR. JUSTICE JACKSON: "One question has still to be discussed. Most of the goods in the stores were not the property of the shopkeepers but were on consignment from other firms which had supplied them. Now the unpaid invoices are being sent in by these firms, which are certainly not all Jewish, but Aryan, in respect to these goods on consignment.

"Hilgard: We will have to pay for them too.

"Göring: I wish you had killed 200 Jews instead of destroying such valuables.

"Heydrich: There were 35 killed."

Do I read that correctly?

GÖRING: Yes, this was said in a moment of bad temper and excitement.

MR. JUSTICE JACKSON: Spontaneously sincere, wasn't it?

GÖRING: As I said, it was not meant seriously. It was the expression of spontaneous excitement caused by the events, and by the destruction of valuables, and by the difficulties which arose. Of course, if you are going to bring up every word I said in the course of 25 years in these circles, I myself could give you instances of even stronger remarks.

MR. JUSTICE JACKSON: Then Funk interposed to discuss the foreign exchange point, did he not? He contributed to the discussion, did he not, for a while? I will not bother to go into it.

GÖRING: Yes, but not everything is put down in the minutes, which are not clear on this point. I regret the minutes are incomplete. That is strange.

MR. JUSTICE JACKSON: I join you in that.

Hilgard returned again to the subject of the profit of the insurance companies, did he not?

GÖRING: Yes, of course.

MR. JUSTICE JACKSON: And you made this statement, did you not?

"The Jew must report the damage. He will get the insurance money, but it will be confiscated. The final result will be that the insurance companies will gain something, as not all damages will have to be made good. Hilgard, you can consider yourself damned lucky.

"Hilgard: I have no reason for that. The fact that we shall not have to pay for all the damage is called a profit.

"Göring: Just a moment. If you are legally bound to pay 5 millions and all of a sudden an angel, in my somewhat corpulent shape, appears before you and tells you you may keep 1 million, hang it, is this not a profit? I should like to go 50-50 with you or whatever you call it. I only have to look at you, your whole body exudes satisfaction. You are getting a big rake-off."

Am I quoting correctly?

GÖRING: Yes, of course, I said all that.

THE PRESIDENT: We will break off now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. ALFRED SEIDL (Counsel for Defendant Hess): Mr. President, the Defendant Hess has expressed the wish to be excused from attending this afternoon's session, because he wants to prepare himself for his examination as a witness, which will take place in the next few days. I do not believe that this will cause a delay in the proceedings, and I should like to ask the Tribunal to grant this request.

THE PRESIDENT: Certainly, on the same conditions as before, namely, that you arrange with somebody to protect your interests while you are absent.

DR. SEIDL: I will not be absent myself, only Hess.

THE PRESIDENT: Very well.

MR. JUSTICE JACKSON: *[To the witness.]* I would like to call your attention again to the Exhibit USA-261, Document 1816-PS. Would you turn to Part 5, where you were speaking of Margraf's jewels that disappeared?

GÖRING: That is going back to something already dealt with.

MR. JUSTICE JACKSON: Yes, for a time, to Part 5. I call your attention to your statement as follows:

> "Now we come to the damage sustained by the Jew, the disappearance of the jewels at Margraf's, *et cetera.* Well, they are gone and he will not get them refunded. He is the one who has to suffer the damage. Any of the jewels which may be returned by the police will belong to the State."

Do you find that?

GÖRING: Yes, that is correct, but on the basis of the laws he was compensated for that.

MR. JUSTICE JACKSON: Now, there was a representative of Austria present at this meeting, was there not?

GÖRING: Yes.

MR. JUSTICE JACKSON: And I ask you to turn to his statement in reference to conditions in Austria, a page or so farther on.

GÖRING: Yes.

MR. JUSTICE JACKSON: And I ask you whether he did not report to your meeting as follows:

> "Your Excellency, in this matter, we have already a very complete plan for Austria. There are 12,000 Jewish workshops and 5,000 Jewish retail shops in Vienna. Even before the National Socialist revolution we already had, concerning these 17,000 shops, a definite plan for dealing with all tradesmen. Of

the 12,000 workshops about 10,000 were to be closed definitely . . . "

GÖRING: The interpreter did not follow . . .

MR. JUSTICE JACKSON: Do you find it?

GÖRING: I have found it, but the interpreter has not.

MR. JUSTICE JACKSON: "Regarding this total of 17,000 stores, of the shops of the 12,000 artisans, about 10,000 were to be closed definitely and 2,000 were to be kept open. Four thousand of the 5,000 retail stores were to be closed and 1,000 kept open, that is, were to be Aryanized. According to this plan, 3,000 to 3,500 of the total of 17,000 stores would be kept open, all others closed. This was decided following investigations in every single branch and according to local needs, in agreement with all competent authorities, and is ready for publication as soon as we shall receive the law which we requested in September. This law shall empower us to withdraw licenses from artisans quite independently of the Jewish question. That would be quite a short law.

"Göring: I shall have this decree issued today."

GÖRING: Of course. This concerns a law for the curtailment of the heavy retail trade which, even apart from the Jewish question, would have reduced the number of retailers. That can be seen from the minutes.

MR. JUSTICE JACKSON: Very well, let us go on a little further. Do you mean to inform the Tribunal that this did not apply to Jewish shops; that it had no connection with the Jewish question?

GÖRING: I have said that independently of the Jewish question, in view of the overfilled retail trade, a limitation of the number of tradesmen would have followed, and that it can be seen from the following statement by Mr. Fischböck, which you have read, that I asked for a law which would authorize us to withdraw licenses, without any connection with the Jewish question. That would be a brief law. Whereupon I answered, "I will issue the decree today."

MR. JUSTICE JACKSON: Now, if you will . . .

GÖRING: Naturally, above all, Jewish stores were to be eliminated, as I said in the beginning.

MR. JUSTICE JACKSON: Please go on down two paragraphs to where this was reported:

"But I do not believe that there will be 100 stores, probably fewer; and thus, by the end of the year, we would have liquidated all the recognized Jewish-owned businesses.

"Göring: That would be excellent.

"Fischböck: . . . "

GÖRING: Yes, yes, that was the import of that meeting.

MR. JUSTICE JACKSON: "Fischböck: Out of 17,000 stores 12,000 or 14,000 would be shut down and the remainder Aryanized or handed over to the Trustee's office, which belongs to the State.

"Göring: I have to say that this proposal is grand. This way the whole affair in Vienna, one of the Jewish capitals so to speak, would be wound up by Christmas or by the end of the year.

"Funk: We can do the same thing here. I have prepared a law elaborating that. Effective 1 January 1939, Jews shall be prohibited from operating retail stores and wholesale establishments, as well as independent workshops. They shall be further prohibited from keeping employees, or offering any ready-made products on the market; from advertising or receiving orders. Whenever a Jewish shop is operated the police shall shut it down.

"From 1 January 1939 a Jew can no longer be head of an enterprise, as stipulated in the law for the organization of national labor of 20 January 1934. If a Jew has a leading position in an establishment without being the head of the enterprise, his contract may be declared void within 6 weeks by the head of the enterprise. With the expiration of this period all claims of the employee, including all claims to maintenance, become invalid. That is always very disagreeable and a great danger. A Jew cannot be a member of a corporation. Jewish members of corporations will have to be retired by 31 December 1938. A special authorization is unnecessary. The competent ministers of the Reich are being authorized to issue the provision necessary for execution of this law.

"Göring: I believe we can agree with this law."

GÖRING: Yes.

MR. JUSTICE JACKSON: Now I ask you to pass a considerable dialogue relating to the Vienna situation, and I call your attention to the point at which Funk inquires of you:

"Why should the Jew not be allowed to keep bonds?

"Göring: Because in that way he would actually be given a share."

GÖRING: Yes, that was the purpose, to get him out of the enterprise. If he kept the bonds, on the basis of his rights as stockholder he still had an interest in the enterprise, and on the basis of ownership of stocks his will would still carry weight in the enterprise.

MR. JUSTICE JACKSON: You turned Funk's suggestion down that the Jews be allowed to keep bonds?

GÖRING: Yes. I replaced the bonds with securities.

MR. JUSTICE JACKSON: Well, we will pass several more pages of debate, unless there is something you want to call attention to; and I come to the point where Heydrich is stating his position. I call your attention to this dialogue:

"Heydrich: At least 45,000 Jews were made to leave the country by legal measures.

"Göring: . . . "

GÖRING: One moment, please. I find it now.

MR. JUSTICE JACKSON: "At least 45,000 Jews were made to leave the country by legal measures.

"Göring: How was this possible?"

And then Heydrich tells you that: ". . . through the Jewish societies we extracted a certain amount of money from the rich Jews who wanted to emigrate. By paying this amount and an additional sum in foreign currency they made it possible for a number of poor Jews to leave. The problem was not to make the rich Jews leave but to get rid of the Jewish mob."

Is that correct?

GÖRING: One moment. I do not find it here yet, but generally that is correct, yes.

MR. JUSTICE JACKSON: Pass on a little further. Heydrich is making suggestions and says:

"As for the isolating, I would like to make a few proposals regarding police measures, which are important also because of their psychological effect on public opinion.

"For example, anybody who is Jewish according to the Nuremberg Laws will have to wear a certain badge. That is a possibility which will facilitate many other things. I see no danger of excesses, and it will make our relationship with the foreign Jews easier.

"Göring: A uniform?

"Heydrich: A badge. In this way we could put an end to foreign Jews being molested who do not look different from ours.

"Göring: But my dear Heydrich, you will not be able to avoid the creation of ghettos on a very large scale in all the cities. They will have to be created."

Is that what you said?

GÖRING: I said that. At that time the problem was also to get the Jews together in certain parts of the cities and in certain streets, because on the basis of the tenancy regulations there was no other possibility, and if the wearing of badges was to be made obligatory, each individual Jew could have been protected.

MR. JUSTICE JACKSON: Now, passing further in the discussion, I call your attention to this warning from Heydrich about the measures which have been discussed:

"Göring: Once we have a ghetto, we could determine what stores ought to be there and we would be able to say, 'You, Jew so and so, together with so and so, shall take care of the delivery of goods,' then a German wholesale firm will be ordered to deliver the goods for this Jewish store. The store would then not be a retail shop but a co-operative store, a co-operative society for Jews.

"Heydrich: All these measures will eventually lead to the institution of a ghetto. I must say: nowadays one should not want to set up a ghetto, but these measures, if carried through as outlined here, will automatically drive the Jews into a ghetto."

Did Heydrich give that warning?

GÖRING: Here it says so, yes, but it can be seen from the following discussion that I said: "Now comes that which Goebbels mentioned before, compulsory renting. Now the Jewish tenants will come together." It was a question of the Jewish tenants drawing together in order to avoid the disagreeable results which arose from reciprocal subletting.

MR. JUSTICE JACKSON: You have omitted that Funk also remarked at this point that "Jews will have to stand together. What are 3 million? Every one will have to stand up for the next fellow. Alone he will starve."

Do you find that?

GÖRING: Yes. But in another part of these minutes it is stated very clearly: "One cannot let the Jews starve, and therefore the necessary measures must be taken."

MR. JUSTICE JACKSON: Toward the close of that meeting you said the following, didn't you?

"I demand that German Jewry as a whole shall, as a punishment for the abominable crimes, *et cetera,* make a contribution of 1,000,000,000 marks. That will work. The pigs will not commit a second murder so quickly. Incidentally, I would like to say again that I would not like to be a Jew in Germany."

GÖRING: That was correct, yes.

MR. JUSTICE JACKSON: Were you joking about that too?

GÖRING: I have told you exactly what led to the fine of 1,000,000,000.

MR. JUSTICE JACKSON: You pointed out that the chauffeurs of Gauleiter must be prevented from enriching themselves through the Aryanization of Jewish property, right?

GÖRING: Yes.

MR. JUSTICE JACKSON: We will now take up the subject of art.

I call your attention to Document 141-PS, Exhibit Number USA-308. That is the decree establishing priorities on the claim for Jewish art property. Do you recall that?

GÖRING: That has been mentioned several times, and I have recently spoken about it in detail.

MR. JUSTICE JACKSON: The order was issued as here stated, was it not?

GÖRING: Yes, certainly; I emphasized that.

MR. JUSTICE JACKSON: In Paragraph 5 reference is made to art objects that are suitable to be given to French museums, and which were to be sold by auction. The profit from this auction was to be given to the French State for the benefit of war widows and children. You say that this was never done?

GÖRING: I did not say that this never happened. That was my intention in that decree.

MR. JUSTICE JACKSON: Well, I am asking you if it ever has been done.

GÖRING: As far as Paragraph 5 is concerned, I cannot say. I can only refer to the payments mentioned in Paragraph 2—the things that I pointed out—which I had had effected after an estimate, and I said the other day that this amount was kept in readiness and that I repeatedly asked into which account it should be paid. And among the objects destined to go into the collection which I was to make, I had every single item valued.

MR. JUSTICE JACKSON: Where was this amount kept?

GÖRING: In my bank, under the name "Art Funds."

MR. JUSTICE JACKSON: In what bank?

GÖRING: It was—I cannot say for sure, there were several banks—in which bank exactly the art fund was deposited, I cannot say. I would have to have the documents here for that.

MR. JUSTICE JACKSON: In the several interrogations you have never been able to point out where that fund is, have you?

GÖRING: I cannot say, but you would only have to question my secretary who kept account of all the funds; she can tell you quite accurately.

MR. JUSTICE JACKSON: This order, 141-PS, was carried out by the Rosenberg Special Staff (Einsatzstab), wasn't it?

GÖRING: Yes.

MR. JUSTICE JACKSON: Did you know who carried it out, who actually was there? Did you know Turner?

GÖRING: I did not understand the name.

MR. JUSTICE JACKSON: Did you know Mr. Turner?

GÖRING: I know a certain Turner, who, however, had nothing to do with the Einsatzstab, the Rosenberg Special Staff and who, as far as I know, was in Yugoslavia.

MR. JUSTICE JACKSON: Wasn't State Counsellor Turner in Paris in connection with the art collections?

GÖRING: I repeat again so that no error is possible, you said Turner, T-u-r-n-e-r, or Körner, K-ö-r-n-e-r?

MR. JUSTICE JACKSON: Turner.

GÖRING: Körner?

MR. JUSTICE JACKSON: T-u-r-n-e-r.

GÖRING: Turner—I do not know whether he had anything to do with Rosenberg's Einsatzstab.

MR. JUSTICE JACKSON: But you knew him, did you not?

GÖRING: Yes.

MR. JUSTICE JACKSON: And did you know a Dr. Bunjes?

GÖRING: Bunjes, B-u-n-j-e-s, yes.

MR. JUSTICE JACKSON: You knew him?

GÖRING: Yes.

MR. JUSTICE JACKSON: He had to do with captured or confiscated Jewish art treasures, did he not?

GÖRING: I do not believe that Dr. Bunjes had anything to do with that. He was competent in a different field of art; but the Einsatzstab Rosenberg and certain departments of the military administration, had something to do with it.

MR. JUSTICE JACKSON: I will ask to have you shown, so that you can follow me, to refresh your memory, Document 2523-PS, Exhibit Number USA-783, a letter from Dr. Bunjes, and ask you if this refreshes your recollection of certain events.

"On Tuesday, 4 February 1941, at 1830 hours I was ordered for the first time to report to the Reich Marshal at the Quai

d'Orsay. Field Commander Von Behr of the Einsatzstab Rosenberg was present. It is, of course, difficult to describe in words the cordial atmosphere in which the conversation was held."

Do you recall such a meeting?

GÖRING: No, it was not important enough for me to remember it, but I do not deny it, in any case.

MR. JUSTICE JACKSON: We shall see if this refreshes your recollection:

"The Reich Marshal dropped the subject for the time being and asked for the report of the present state of the seizure of Jewish art property in the occupied western territories. On this occasion he gave Herr Von Behr the photographs of those objects of art that the Führer wants to bring into his possession. In addition, he gave Herr Von Behr the photographs of those objects of art that the Reich Marshal wants to acquire for himself."

GÖRING: I cannot follow here.

MR. JUSTICE JACKSON: You mean you do not find these words, or you do not recall the events?

GÖRING: No, I have not found the passage yet, and I would like to have a little time to see the context of this letter, which was neither written by me nor addressed to me.

MR. JUSTICE JACKSON: Let me call your attention to a further paragraph of it and see if it does not refresh your recollection:

"On Wednesday, 5 February 1941, I was ordered to the Jeu de Paume by the Reich Marshal. At 1500 o'clock, the Reich Marshal, accompanied by General Hanesse, Herr Angerer, and Herr Hofer, visited the exhibition of Jewish art treasures newly set up there."

GÖRING: Yes, I have already stated before that at Jeu de Paume I selected the art treasures which were exhibited there. That is right.

MR. JUSTICE JACKSON: That is right; now we are getting there.

"Then, with me as his guide, the Reich Marshal inspected the exhibited art treasures and made a selection of those works of art which were to go to the Führer, and those which were to be placed in his own collection.

"During this confidential conversation, I again called the Reich Marshal's attention to the fact that a note of protest had been received from the French Government against the

activity of the Einsatzstab Rosenberg, with reference to the Hague Rules on Land Warfare recognized by Germany at the Armistice of Compiegne and I pointed out that General Von Stülpnagel's interpretation of the manner in which the confiscated Jewish art treasures are to be treated, was apparently contrary to the Reich Marshal's interpretation. Thereupon, the Reich Marshal asked for a detailed explanation and gave the following orders:

"'First, it is my orders that you have to follow. You will act directly according to my orders. The art objects collected in the Jeu de Paume are to be loaded on a special train immediately and taken to Germany by order of the Reich Marshal. These art objects which are to go into the Führer's possession, and those art objects which the Reich Marshal claims for himself, will be loaded on two railroad cars which will be attached to the Reich Marshal's special train, and upon his departure for Germany, at the beginning of next week, will be taken along to Berlin. Feldführer Von Behr will accompany the Reich Marshal in his special train on the journey to Berlin.'

"When I made the objection that the jurists would probably be of a different opinion and that protests would most likely be made by the military commander in France, the Reich Marshal answered, saying verbatim as follows, 'Dear Bunjes, let me worry about that; I am the highest jurist in the State.'

"The Reich Marshal promised to send from his headquarters by courier to the Chief of the Military Administrative District of Paris on Thursday, 6 February, the written order for the transfer to Germany of the confiscated Jewish art treasures."

Now, does that refresh your memory?

GÖRING: Not in the least, but it is not at all in contradiction to what I have said with respect to the art treasures, with the exception of one sentence. It is pure nonsense that I should have said that I was the highest jurist in the state because that, thank God, I was not. That is something which Mr. Bunjes said, and I cannot be held responsible for every statement which anyone may have made to somebody else without my having any possibility of correcting it. As for the rest, it corresponds to the statement I made recently.

MR. JUSTICE JACKSON: Now, the art objects then were loaded on cars and shipped to Berlin, were they not?

GÖRING: A part of them, yes.

MR. JUSTICE JACKSON: I now call your attention to, and ask to have you shown, Document 014-PS, Exhibit Number USA-784.

Now, I ask you to refresh your recollection by following this report to the Führer with me, and tell me if this conforms with your testimony:

"I report the arrival..."

GÖRING: I would like to point out that this report did not come from me.

MR. JUSTICE JACKSON: I understand that. I am asking if it is right or wrong.

"I report the arrival of the principal shipment of ownerless Jewish treasures of art at the salvage point Neuschwanstein by special train on Saturday the 15th of this month. It was secured by my Einsatzstab, in Paris. The special train, arranged for by Reich Marshal Hermann Göring, comprised 25 express baggage cars filled with the most valuable paintings, furniture, Gobelin tapestries, works of artistic craftmanship, and ornaments. The shipment consisted mainly of the most important parts of the collections of Rothschild, Seligmann"—and half a dozen others.

Have you found that and is it correct?

GÖRING: I do not know whether this is correct, since the report did not come from me. The only thing which I can remember is that I was asked by the Einsatzstab to see to it that a sufficient number of special cars, box cars was put at their disposal to ship the art treasures, since Jeu de Paume was not a safe place in case of air attacks. Neuschwanstein lies south of Munich. This concerns the objects destined for the Führer.

I should like, however, to refer to the next sentence of this document, which was not written by me. It goes as follows:

"The confiscation actions of my Einsatzstab were begun in October 1940 in Paris according to your order, my Führer."

That coincides with what I have said in my previous statements.

MR. JUSTICE JACKSON: And would you care to read further?

GÖRING: You mean where it says:

"Besides this special train, the main art objects selected by the Reich Marshal—mainly from the Rothschild collection—had previously been shipped in two special cars to Munich and were there put into the air raid shelter of the Führerhaus."

They are those most precious works of art which I had designated for the Führer, and which were to be sent, at the wish of the Führer, to the air raid shelter. This had nothing to do directly with my affairs, but I did not dispute the fact, and I have explained it in detail.

MR. JUSTICE JACKSON: When you were examined by the American Foreign Assets Commission, you estimated your art objects as having a value, at the time you turned them over to the government, of 50 million Reichsmark, as I recall it. Am I right?

GÖRING: That is not quite correct. The Commission insisted on a valuation, and the discussion continued a long time backwards and forward. I expressly told the Commission that I could not assess the value because I did not have the objects in hand nor a list of them, and I could not quote them from memory; furthermore, that the estimates were subject to fluctuation depending on the one hand upon the prices art lovers might pay and, on the other, upon the actual market value. Since I did not see a copy of the minutes, in spite of my pleas, and especially as minutes of this nature often give rise to misunderstandings, I can only acknowledge the records which I have signed.

MR. JUSTICE JACKSON: Well, do you question this fact? "When I gave the news to the Minister of Finance I estimated the value at that time at 50 million marks." Did you say that or did you not?

GÖRING: I cannot estimate the value. I only told the Finance Minister that the entire collection, including my own, would be turned over to the State. And since I know my passion for collecting, I thought that it was quite possible that something might suddenly happen to me, and that as I had put my entire fortune into these works of art, the entire collection might possibly become State, that is, public property, and my family would thus be deprived of every means of subsistence. I therefore asked him to provide for a pension or some compensation for my family. That was the negotiation with the Finance Minister, to which he can testify.

MR. JUSTICE JACKSON: What proportion of your art collection was acquired after 1933?

GÖRING: I did not understand the question.

MR. JUSTICE JACKSON: What proportion of your art collection was acquired after 1933?

GÖRING: That I could not say in detail—quite a number of pictures and statues.

MR. JUSTICE JACKSON: Now, you have claimed that some part of your art collection you bought?

GÖRING: Certainly.

MR. JUSTICE JACKSON: And in connection with that some inquiry was made into your financial transactions, was there not?

GÖRING: I do not know who made the inquiries.

MR. JUSTICE JACKSON: Well, you were asked, were you not, about your receipt of 7,276,000 Reichsmark from the Reemtsma cigarette factory?

GÖRING: No, I was never asked about that.

MR. JUSTICE JACKSON: You were never asked about it?

GÖRING: No, neither about the amount nor about the cigarette factory, nor anything else.

MR. JUSTICE JACKSON: Let me refresh your recollection about that. Did you not tell them and did you not tell Colonel Amen in interrogations that this money was given to you by this cigarette factory and that their back taxes were canceled?

GÖRING: No, I even denied that their back taxes were ever canceled. I remember now that the question was put to me in a different connection. A sum of money was set aside for the so-called Adolf Hitler Fund, and this amount the Führer put at my disposal for general cultural tasks.

MR. JUSTICE JACKSON: By the cigarette factory?

GÖRING: Not by the cigarette factory; a number of business men subscribed to the Adolf Hitler Fund, and Mr. Reemtsma gave me this sum from the fund in the course of the years, after agreement with the Führer. A part of it was allotted to the State theaters, another part for building up art collections, and other cultural expenditure.

MR. JUSTICE JACKSON: Now, you were interrogated on the 22d day of December 1945 by the External Assets Branch of the United States Investigation of Cartels and External Assets, were you not?

GÖRING: May I first say explicitly that I had been asked whether I would be ready to make any statements about it, and was told that these statements would in no way be connected with this Trial. Therefore the presence of my defense counsel would not be necessary. This was expressly told me, and was repeated to me by the prison authorities, and before the interrogation it was again confirmed to me that these statements should in no way be brought in in connection with this Trial. However, that is all the same to me. You may produce them as far as I am concerned. But because of the method employed, I desire to have this made known here.

DR. STAHMER: I protest against the use of the statements for the reason that has just been given by the witness. I myself sometime ago—I think it was around Christmas—was asked by, I believe, members of the United States Treasury whether they could interrogate the Defendant Göring on questions of property, adding

expressly that I did not have to be present at the interrogation because this had nothing to do with the Trial, and would not be used for it.

MR. JUSTICE JACKSON: I am not able either to affirm or deny, and therefore I will not pursue this subject further at this time. I do not believe that any stipulation was made that these facts should not be gone into. I was not informed of it, and if there has been, of course, it would be absurd.

[Turning to the witness.] Now, you were asked about receiving some art objects from Monte Cassino.

GÖRING: Yes.

MR. JUSTICE JACKSON: I ask you if it is not the fact that an altar statue taken from the Cassino Abbey was brought and delivered to you, and that you expressed great appreciation for it.

GÖRING: I am glad to be able to clarify this affair also. After the monastery of Monte Cassino had been completely destroyed by shelling and had been defended by a paratroop division, a delegation arrived one day bringing along a statue of some saint, entirely worthless from an artistic point of view, as a souvenir of this destroyed monastery. I thanked the men and showed the statue to the curator of my art collection, and he also considered the statue as of absolutely no value. It then remained in the box and was put away somewhere. The other . . .

THE PRESIDENT: I do not think this is coming through sufficiently loud for the shorthand writers to hear.

GÖRING: The rest of the art treasures from Monte Cassino, according to my knowledge, were shipped in the following manner: A large part, especially those objects which belonged to the old monastery itself, was sent to the Vatican. I must assume this from the fact that the abbot of the monastery sent me and my division a letter written in Latin in which he expressed his extreme gratitude for this action.

Secondly, as far as I remember, the art treasures from the museum in Naples, which were at Monte Cassino, were for the greater part sent by us to Venice and there turned over to the Italian Government. Some pictures and statues were brought to Berlin, and there they were turned over to me. On the very same day I gave the list to the Führer, and some time later also the objects themselves which were in my air raid shelter, so that he could negotiate about the matter with Mussolini. I did not keep a single one of these objects for my own collection. If my troops had not intervened, these priceless art treasures, which were stored in Monte Cassino and belonged to the monastery there, would have been

entirely destroyed by enemy bombardment, that is to say, by the British-American attackers. Thus they have been saved.

MR. JUSTICE JACKSON: Now, you say of no value—no substantial value?

GÖRING: That is even now my conviction, and I depended, above all, on the judgment of my experts. I never took this statue out of its packing case. It did not interest me. On the other hand, I wanted to say a few words of thanks to the men who brought it.

MR. JUSTICE JACKSON: The labor shortage in the Reich was becoming acute by November of 1941, was it not?

GÖRING: That is correct.

MR. JUSTICE JACKSON: And you yourself gave the directives for the employment of Russian prisoners of war, did you not?

GÖRING: Employment for what?

MR. JUSTICE JACKSON: For war industry—tanks, artillery pieces, airplane parts.

GÖRING: That is correct.

MR. JUSTICE JACKSON: That was at the conference of the 7th of November 1941, that you gave that order, was it not?

GÖRING: At what conference that was I could not tell you; I issued these directives only in a general way.

MR. JUSTICE JACKSON: And the directive was that Russian prisoners of war should be selected in collecting camps beyond the Reich border, and should be transported as rapidly as possible and employed in the following order of priority: mining, railroad maintenance, war industry—tanks, artillery pieces, airplane parts, agriculture, building industry, *et cetera.* You gave that order, did you not?

GÖRING: If I have signed it, the order is from me. I do not remember details.

THE PRESIDENT: What was the number of that, Mr. Jackson?

MR. JUSTICE JACKSON: I ask to have you shown Document Number 1193-PS.

GÖRING: I have not seen it yet.

[Document 1193-PS was submitted to the witness.]

This document, which you have just mentioned . . .

MR. JUSTICE JACKSON: I did not get the answer.

GÖRING: Excuse me. I have just received a document about the use of Russian troops. Is that the document of which you speak?

MR. JUSTICE JACKSON: That is right. I call your attention to the fact that it is referred to as an annex in the letter signed by Göring.

GÖRING: I want to point out that this document is not signed by me, but by Körner, which, however, does not diminish my responsibility.

MR. JUSTICE JACKSON: Well, you do not question that on the 7th day of November 1941, you gave the order, as Körner reports it, do you, in the document referred to as 1193-PS?

GÖRING: I said only that it was not signed by me but by Körner, and here even a still younger official, a Regierungsrat, and I wanted only to explain that this was my field and that therefore I assume responsibility. But I have not read it through yet. This deals with directives and outlines which I gave in general and which were then filled in and revised by the department concerned, whereby naturally not every word or every sentence written here was said or dictated by myself. But that does not alter the fact that I bear the responsibility for it, even if I did not know it in detail, or would have perhaps formulated it differently. But the general directives were given by me and implemented accordingly by the lesser authorities.

MR. JUSTICE JACKSON: You also gave the order, did you not, that 100,000 men were to be taken from among the French prisoners of war not yet employed in armament industry? Gaps in manpower resulting therefrom will be filled by Soviet prisoners of war. The transfer of the above-named French prisoners of war is to be accomplished by October the 1st. You gave the order, did you not?

GÖRING: That is correct. Here we deal primarily with the fact that a large part of French skilled workers who were prisoners of war were turned into free workers on condition that they worked in the German armament industry. The shortages which occurred at their previous places of work at that time, where they had worked as prisoners of war, were to be remedied by Russian prisoners of war, because I considered it pointless that qualified skilled industrial workers should be employed in agriculture, for instance, or in any other field not corresponding to their abilities. Thus there was an incentive in the fact that these people could become free workers instead of remaining prisoners of war, if they would agree to these conditions. The directives were given by me.

MR. JUSTICE JACKSON: And did you know that there was any forced labor employed in Germany?

GÖRING: Compulsory labor.

MR. JUSTICE JACKSON: Did you not testify under interrogation on the 3rd of October 1945, that:

"I would like to add something to the last question of the interrogation. The Colonel asked me if the forced labor program was effective, and I said 'Yes'. There are two remarks I would like to make to that.

"All right.

"I must say that in the results as such it was effective. However, a great number of acts of sabotage did occur, and also treason and espionage.

"Question: But on the whole you would say it was a successful program from the German point of view?

"Answer: Yes. Without this manpower many things could never have been achieved."

Did you say that?

GÖRING: That is obvious, because without workers one cannot do any work.

THE PRESIDENT: I do not think you answered the question. The question was if you said the forced labor had been a succes. What do you have to say to that? Did you say that?

GÖRING: I have said what I did in answering the question whether the manpower used was successful; yes, that is correct.

MR. JUSTICE JACKSON: Now, you were shown a document, 3700-PS, written by Schacht to you, and you have said that you received it?

GÖRING: Yes, I remember.

MR. JUSTICE JACKSON: Now, you and Schacht were somewhat rivals in the economic field at one period, were you not?

GÖRING: I explained that only recently, and to what extent.

MR. JUSTICE JACKSON: You wanted his position abolished in the event of war and he wanted your position abolished in event of war, did he not—your economic position?

GÖRING: Not quite. They were two similar authorities having similar powers at the same time, two personalities, and that in the long run was not possible. It simply had to be decided which one of the two should be the sole authority. That would have been especially necessary in case of a mobilization.

MR. JUSTICE JACKSON: You, in testifying on the 17th day of October last, as to your relations with Schacht, made this statement, did you not, in reference to your disagreements with Schacht: "This I must underline: Schacht always tried to maneuver for a new post, while all the other ministers co-operated absolutely." Did you say that?

GÖRING: Not exactly as it is there, but I wanted to emphasize that, contrary to the other ministers who obediently followed my directives for the Four Year Plan, I had certain difficulties with Schacht, which I have already explained, due to his original and strong personality.

MR. JUSTICE JACKSON: The question was whether you made that statement in substance or in those words?

GÖRING: Not exactly in these words, but as I have just explained, in substance.

MR. JUSTICE JACKSON: Now, do you have in mind Schacht's letter to you, Document Number 3700-PS?

GÖRING: Yes, I read it a short time ago.

MR. JUSTICE JACKSON: And in that letter Schacht said this to you, did he not, referring to 3700-PS? "It may be militarily necessary . . . " Do you want to follow it?

[Document 3700-PS was submitted to the witness.]

"It may be militarily necessary to conscript the 15-year-olds, but it will heavily tax the fighting morale of the German people. The facts as the German people see them are as follows:

"First, the original prospect of a short war has not been realized.

"Second, the prospective quick victory over England by the Air Force did not materialize.

"Third, the public statement that Germany would remain free of enemy air raids has not been fulfilled.

"Fourth, the repeated announcements that the Russian resistance was definitely broken have been proved to be untrue.

"Fifth, Allied supplies of arms to Russia, and the manpower reserves of Russia have, on the contrary, been sufficient to bring continuous heavy counterattacks against our Eastern Front.

"Sixth, the original victorious advance into Egypt has been halted after repeated attempts.

"Seventh, the landing of the Allies in North and West Africa, declared impossible, has nevertheless been accomplished.

"Eighth, the extremely large amount of shipping space which was required for this landing has shown that our U-boats, in spite of their great successes, did not suffice to prevent this transport. In addition, the reductions in civilian traffic, in material for armaments, and in the availability of manpower are obvious to all the people.

"The conscription of the 15-year-olds will increase the doubts concerning the termination of this war."

Can you fix any more definitely than you have done the date when you received that letter?

GÖRING: I can only say again that it is dated the 3rd of November, but the year is missing. If I were to be given a copy where the year is stated, I could give an exact answer. I have said recently that, according to my knowledge of events, it is a question of either November 1944 or November 1943. But, unfortunately, that is not indicated here. I can only see 3rd of November. The year is missing.

MR. JUSTICE JACKSON: Do you know when Schacht was sent to the concentration camp? Do you know the date of that?

GÖRING: Not exactly, but now that you remind me of it, I can say that this letter certainly was not written in 1944 because in November 1944, I believe, Mr. Schacht was already in the concentration camp; consequently, it must date back to November 1943.

MR. JUSTICE JACKSON: And he was sent to the concentration camp shortly after dispatching that letter to you, wasn't he?

GÖRING: No, that is not correct.

MR. JUSTICE JACKSON: How much longer was he at large?

GÖRING: The letter is of 3 November 1943, as we have just found. I heard about the arrest of Schacht only after the attempt on the life of the Führer and after my return a few days later, after an illness of some time, that is to say, in September 1944. There is not the least connection between this letter and his arrest, because, when I asked about his arrest, I was told definitely it was in connection with the 20th of July.

MR. JUSTICE JACKSON: Did you make an agreement, as Supreme Commander of the Air Force, with the Reichsführer SS, the Youth Führer of the German Reich, and the Reich Minister for Occupied Eastern Territories, about the recruiting of youthful Russians, Ukrainians, White Russians, Lithuanians, and Tartars between the ages of 15 and 20? Did you come to some agreement with Himmler and Rosenberg about that?

GÖRING: That I personally concluded such an agreement, I do not think so. It is possible and even probable that my office did so, however.

MR. JUSTICE JACKSON: And you have testified yesterday or the day before—I think Friday—as follows; let me refresh your recollection about the questions of confiscations.

"Now, about the question of confiscation of State property and it was only such property that was confiscated. As far as

I know, private property is mentioned in the official report as far as the winter of 1941 and 1942 is concerned, that might have been the case in the matter of furs or perhaps fur boots, and some soldiers may have taken little odds and ends from the people; but on the whole there was no private property and so none could be confiscated."

And I think you also said that you never took anything, not even so much as a screw or a bolt, when you were in occupation of foreign territory. Do you recall that testimony?

GÖRING: Very exactly.

MR. JUSTICE JACKSON: Do you still stand on it?

GÖRING: Of course.

MR. JUSTICE JACKSON: I ask to have you shown a Document EC-317.

GÖRING: Yes.

MR. JUSTICE JACKSON: Now, that is a secret command matter, is it not, dated the 7th of September 1943? Is that right?

GÖRING: I have a letter here before me of 21 February 1944.

MR. JUSTICE JACKSON: Then you have the wrong exhibit--EC-317, Page 3.

GÖRING: Yes; Page 3.

MR. JUSTICE JACKSON: This letter of transmittal we will not bother about. Your secret command matter is dated 7 September 1943, is it not?

GÖRING: That is correct.

MR. JUSTICE JACKSON: And it reads as follows:

"Concerning the removal of the harvested crops and the destruction of the means of production in the agricultural and food economy in parts of the Occupied Eastern Territories.

"By direction of the Führer, I give the following orders:

"First: In the territories east of the line fixed by the highest military command, the following measures are to be taken gradually, according to the military situation at the time. The measures are to be determined by the commanders of the army groups:

"(1) All agricultural products, means of production, and machinery of enterprises serving the agriculture and food industry are to be removed.

"(2) The factories serving the food economy, both in the field of production and of processing, are to be destroyed.

"(3) The basis of agricultural production, especially the records and establishments, storage plants, *et cetera,* of the organizations responsible for the food economy, are to be destroyed.

"(4) The population engaged in the agricultural and food economy is to be transported into the territory west of the fixed line."

Right?

GÖRING: Absolutely correct; but I want to make the following statement in connection with it. We are dealing here with purely military measures in a retreat, and may I comment on these four points: I emphasized the other day that a great number of agricultural machines had been brought to Russia by us. As the Russians, in their retreat, destroyed everything, we had all the less military reason to allow the machinery of industries which we had set up and brought there to fall into their hands undestroyed. This concerns an urgently necessary military order which had been issued during a retreat, and which was executed in the same way as before in the reverse sense. It does not deal with any sort of private property.

MR. JUSTICE JACKSON: And it was signed by you?

GÖRING: Yes, this order bears my signature.

MR. JUSTICE JACKSON: I am about to go into a different subject, may it please Your Honor.

THE PRESIDENT: Yes, we will adjourn now.

[A recess was taken.]

MR. JUSTICE JACKSON: I will ask that the witness be shown a document, 3786-PS, of which there are no extra copies available because it came to us so late. I will ask you to examine that and tell me whether you recall the meeting to which these minutes refer?

GÖRING: We are apparently concerned here with a report dealing with a meeting which took place daily with the Führer. As meetings occurred once or twice daily, I naturally cannot, with any accuracy, without first having read the report, recall the report of 27 January 1945, for I was present at a great number of these meetings during the course of the war.

MR. JUSTICE JACKSON: I shall call your attention to specific incidents in it. The minutes indicate that the Führer, yourself, Keitel, and Jodl were present, were they not?

GÖRING: That is according to the notes.

MR. JUSTICE JACKSON: And I will call your attention to Page 31 and ask you to follow with me the notes and see if it

refreshes your recollection. Now this relates to 10,000 imprisoned air force officers. I quote what is attributed to you.

"Göring: Near Sagan, there are 10,000 imprisoned air force officers. Their custody is the responsibility of the Commander-in-Chief of the Reserve Army (B.d.E.). Personnel for guarding or transporting them is said to be lacking. The suggestion was made as to whether the prisoners should not be left to their Soviet Russian allies. It would give them 10,000 airmen.

"The Führer: Why did you not remove them earlier? This is an unequaled bungling.

"Göring: That is the business of the commander of the B.d.E. We have nothing to do with it. I can only report it.

"The Führer: They must be removed, even if they have to go on foot. The Volkssturm must be called in. Anyone who escapes will be shot. Any means must be used.

"Göring: That is from Sagan, there are 10,000 men.

"Guderian: In the transfer process the 4th Armored Division has been moved out completely, also the 227th Division; the remainder of the 32d Division is now moving out. The next in line is the Headquarters of the 3rd SS Panzer Corps which will move tonight, and tomorrow night the Division Niederland, which has already pulled out. Parts of the Division Nordland have also been withdrawn from the front.

"The Führer: Are they to get replacements? Are they already on the move?

"Guderian: Fegelein took care of that. He has already ordered that they should be replenished immediately.

"The Führer: It is absolutely clear that the Army Group Vistula has nothing, for the time being, besides the Corps Nehring, the one group, and what it has on the Vistula. This must be organized. It will come from here and partly from Germany. It must be done, notwithstanding.

"Göring: How many cattle cars are needed for 10,000 men?

"The Führer: If we transport them according to German standards, then we need at least 20 transport trains for 10,000 men. If we transport them according to Russian standards, we need 5 or 3.

"Göring: Take their pants and boots off so that they cannot walk in the snow."

Do you recall that incident?

GÖRING: I remember this incident but vaguely.

Now that I have given the answer I would like to give a short explanation of the value of this document.

I understood that this document has just now arrived, but I have already been interrogated with respect to this document long before the beginning of the proceedings. Already at that time I pointed out that at the stenographic recording of a meeting two stenographers took notes at the same time, since the meetings often lasted 4 or 5 hours, and therefore these stenographic notes always had to be gone over afterwards, especially as frequently, because of the presence of many men, inaccuracies occurred in the recordings so that statements made by one person were credited to another in the minutes. For that reason I said at that time already that not only did I not remember this statement, but that in my opinion I have never made this statement. We were concerned solely with the preparation of motor vehicles for transport.

MR. JUSTICE JACKSON: Well, I must say that you were interrogated with reference to the incident, but not with reference to these notes which were not transcribed.

GÖRING: In respect to this transcript and this incident, it was especially emphasized that we were concerned with the stenotype record of the report of the meeting, and I already uttered a similar opinion at that time. It was not submitted to me at that time.

MR. JUSTICE JACKSON: Not stenotype, but stenographic.

You are also reported on Page 35. I call your attention to this and ask you, is it attributed to you mistakenly?

"Göring: The 10,000 prisoners in Sagan should be transported away by Obergruppenführer Jüttner." Perhaps I do not pronounce the word as you would.

"The Führer: These prisoners must be removed by all available means. Volkssturm must be employed with the most energetic men. All who attempt to flee will be shot.

"Fegelein: We have a man for that who guards the concentration camps. That is Gruppenführer Glücks. He must do the job."

Did that occur?

GÖRING: That I do not know. I have already testified before that the B.d.E. had to take charge of the transportation, because we had nothing to do with it. What ideas and opinions the other gentlemen expressed in the discussions I cannot completely testify to, or state here. It was a question of whether these 10,000 were to be surrendered or shipped away.

MR. JUSTICE JACKSON: I will ask you a question or two about the Warsaw bombing. Was it known to you that on the 3rd of September, the house of the Ambassador of the United States,

situated some 17 kilometers out of Warsaw, was bombed by the German Air Force?

GÖRING: No; that is unknown to me.

MR. JUSTICE JACKSON: Your Air Force took a good many pictures of the Polish villages and of Warsaw and used them for distributing among the German people, didn't they?

GÖRING: That is possible, I was not concerned with that. In any event, the Luftwaffe did not distribute pictures to the German people. It is possible that pictures taken by the Luftwaffe might have got into the German press by way of the Propaganda Ministry. But distribution, in the sense of the Luftwaffe's distributing photographs like leaflets, never occurred.

MR. JUSTICE JACKSON: The Luftwaffe did take the pictures for the purpose of determining the efficiency of its hits, did it not?

GÖRING: The Luftwaffe took pictures before the target was bombed, and again after the target had been bombed, to determine whether the target had actually been hit.

MR. JUSTICE JACKSON: I ask to have you shown five photographs and ask you if those are not photographs taken by the Luftwaffe, following the attack on Poland.

[Photographs were shown to the witness.]

GÖRING: To answer the first question, whether the pictures had actually been taken by the German Air Force, I regret I cannot give a positive answer for there is no indication that these were made by the German Air Force. Four out of the five pictures were, if you observe them closely, taken from an oblique angle, as though they had been taken from a church steeple rather than from an airplane, from which generally only vertical pictures are taken because of the built-in camera.

The picture showing the destruction of parts of Warsaw can be regarded technically as such an aerial photo. The date is lacking here. But none of these pictures give any proof that they were taken by the Luftwaffe.

However, let us assume that they were taken by the Luftwaffe, so that further questions will be facilitated.

MR. JUSTICE JACKSON: You say you will assume they were by the Luftwaffe?

GÖRING: Yes, although I doubt it.

MR. JUSTICE JACKSON: I do not want you to give away anything here. If you think they were not taken by the Luftwaffe, I do not want you to admit it.

GÖRING: I said there is no proof. I did not take the pictures, I do not recognize them, they were not submitted to me as Luftwaffe pictures and from a purely technical point of view they could only have been taken from a plane with a private camera from a very oblique angle. They are not true aerial pictures, that is vertical pictures as taken by the Air Force.

MR. JUSTICE JACKSON: Well, we will pass them then and go to something else.

Let us take up Document 638-PS, Exhibit Number USA-788, about which you have been interrogated and which, as I recall, you authenticated.

[Document 638-PS was submitted to the witness.]

This is the document which was signed by Dr. Joel and I ask you to follow me.

"From the Reich Marshal's plans of 24 September 1942.

"First: The Reich Marshal is looking for daring fellows who will be employed in the East as Sonderkommandos and who will be able to carry out the task of creating confusion behind the lines. They are to be formed into bands under leadership, and with interpreters assigned to them. For this purpose the Reich Marshal is considering convicts who are first offenders, who have committed not particularly heinous offenses for which there can be some human understanding.

"The Reich Marshal first of all mentioned persons convicted of poaching. He knew, of course, that the Reichsführer SS had picked out the so-called poachers, and they were already in his hands. He requests, however, that the question be re-examined. The only suitable men are those with a passion for hunting, who have poached for love of the trophy, not men who have laid snares and traps. The Reich Marshal also mentioned fanatical members of smuggling gangs, who take part in gun battles on the frontiers and whose passion it is to outwit the customs at the risk of their own lives, but not men who attempt to bring articles over the frontier in an express train or by similar means.

"The Reich Marshal leaves it to us to consider whether still another category of convicts can be assigned to these bands or pursuit commands.

"In the regions assigned for their operations, these bands, whose first task should be to destroy the communications of the partisan groups, could murder, burn and ravish; in Germany they would once again come under strict supervision.

"Signed: Dr. Joel, 24 September 1942."

Do you wish to make an explanation of that document to the Tribunal?

GÖRING: Yes, with the same that I made once before. The first two paragraphs clearly show that I wanted only those people who had committed no offenses involving laws of honor, such as poachers, distinguishing between those having a passion for hunting and those who only want to steal. I made a distinction also with regard to smugglers, between those who take personal risks showing a certain passion for their activity, and those who do it in a dishonorable way.

Both these main paragraphs plainly show that I did not wish to use criminals of any type, and that is why I explicitly denied having said what is stated in the last paragraphs. It is not a question of the minutes but of the notes taken by an official with whom I discussed these things. He should be able to testify where and if he heard these words uttered by me. But they contradict my ideas so much, and I particularly emphasize this, and in particular, as I have clearly said, as regards rape, which I always punished with death even if committed against citizens of enemy states, that I rejected that statement; and I again pointed out that the main paragraphs are in utmost contradiction to the last remark, because if it had been a matter of indifference to me, I could have selected criminals.

Thirdly, I expressly stated above, that their main task behind the lines was to create confusion, to disrupt communications, to destroy railways, and the like. Fourthly and lastly, the whole thing never took place.

MR. JUSTICE JACKSON: You objected to the word "ravish" which had been translated the first time "rape", and that is the only objection you made to this document when it was presented to you. Is that not correct?

GÖRING: No, it is not correct that way. I say this because it is a most significant concept which has always particularly contradicted my sense of justice, for shortly after the seizure of power I instigated a sharpening of this phase of German penal laws. And I wanted to show by this word and this concept, that this entire latter part could not have been uttered by me, and I deny having said it. I will absolutely and gladly take responsibility for even the most serious things which I have done, but I deny this statement, as being in complete contradiction to my opinions.

MR. JUSTICE JACKSON: Who is the signer of this document?

GÖRING: Dr. Joel.

MR. JUSTICE JACKSON: Yes—you knew him?

GÖRING: I knew him slightly. I saw him at this conference.

MR. JUSTICE JACKSON: He was present at the conference?

GÖRING: I instructed him to come to tell him that I wished that type of people.

MR. JUSTICE JACKSON: Now, you dealt in economic matters with the various occupied countries through Reichskommissars?

GÖRING: I testified the other day that all sorts of authorities, including the Reichskommissars had to follow my economic directives and orders.

MR. JUSTICE JACKSON: And were to report to you on economic matters?

GÖRING: Not about all of them, only insofar as they concerned my directives.

MR. JUSTICE JACKSON: And who was your Reichskommissar in Poland?

GÖRING: There was no Reichskommissar in Poland. There was a Governor General in Poland, that was Dr. Frank.

MR. JUSTICE JACKSON: And who was the Reichskommissar in the Netherlands?

GÖRING: Dr. Seyss-Inquart was Reichskommissar for Holland.

MR. JUSTICE JACKSON: Who was the Reichskommissar for Norway?

GÖRING: In Norway the Gauleiter Terboven was Reichskommissar.

MR. JUSTICE JACKSON: Terboven—he was also a Gauleiter you say?

GÖRING: He was Gauleiter at Essen.

MR. JUSTICE JACKSON: You appointed him to Norway or attained his appointment?

GÖRING: I neither appointed him for Norway—because that was beyond my jurisdiction—nor did I have him appointed. I did not oppose his appointment in any way as I considered he would make a very competent Reichskommissar.

MR. JUSTICE JACKSON: And he was there from 1940 until 1945?

GÖRING: I believe that is correct.

MR. JUSTICE JACKSON: Now, I will ask to have you shown Document R-134, a communication from Terboven to you.

[Document R-134 was submitted to the witness.]

That is a communication of the 1st of May 1942, is it not?

GÖRING: I note the date; yes.

MR. JUSTICE JACKSON: And that reports to you as follows, does it not—it is addressed to you as Reich Marshal, "My esteemed Reich Marshal", is that right?

GÖRING: Yes.

MR. JUSTICE JACKSON: Omitting the first paragraph, unless you are to give it.

"Several days ago on an island west of Bergen we captured a Norwegian sabotage unit, trained by the Secret Service, and found extensive stores of sabotage instruments, some of them of a new kind, including probably poison and bacteria. Those which appeared unfamiliar were forwarded to the Reich Security Main Office for closer examination.

"Besides other tasks, this sabotage unit was to begin its sabotage work, on Sola and Herdla using the explosive of which a sample is enclosed herewith. This appears from written directives found. Since it must be assumed that similar actions are under way on airfields on the rest of the European coast, and assuming that a means of sabotage actually unknown until now is involved, I am communicating with you by the fastest possible means, in order to give you an opportunity to issue an appropriate warning.

"Unfortunately, two especially reliable officers of the Security Police were killed in the fight against the sabotage unit. We buried them this morning at 1000 hours in the Heroes' Cemetery in Bergen.

"On the same day and at the same hour 18 Norwegians were shot on my order. These had been captured some time previously in the attempt to go to England illegally.

"On the same day, the entire village which had harbored the sabotage unit was burned down and the population deported. All the males were taken to a German concentration camp without any notification being sent to their families. The women were sent to a female forced labor camp in Norway, and those childern who were not capable of working went to a children's camp. Heil Hitler! Yours obediently, Terboven."

Is that correct?

GÖRING: It says so in the letter, a copy of which is before me.

MR. JUSTICE JACKSON: Terboven remained after that report until 1945, didn't he?

GÖRING: That's correct.

MR. JUSTICE JACKSON: Now, later in the same year, 1942, you adopted very similar means to those reported by Terboven to you, did you not?

GÖRING: I did not understand the question.

MR. JUSTICE JACKSON: Well you adopted later in the same year the same means as Terboven, didn't you?

GÖRING: I? Where?

MR. JUSTICE JACKSON: Well, I will ask that you be shown Document 1742-PS.

[Document 1742-PS was submitted to the witness.]

Now, this is a decree of 26 October 1942, by Göring. I ask you to follow me:

"Simultaneously with the intensified combating of guerrilla activity ordered by the Führer, and the cleaning up of the land behind the lines, in particular that behind the Army Group Center, I request that the following points be taken into consideration, and the conclusions drawn therefrom be put into practice:

"1. Simultaneously with the combating of the underground forces and the combing out of the areas contaminated by them, all available livestock must be driven off to safe areas. Similarly, food supplies are to be removed and brought into safety, so that they will no longer be available to the guerrillas.

"2. All male and female labor suitable for any kind of employment must be forcibly recruited and allocated to the Plenipotentiary General for Labor, who will then employ them in safe areas behind the lines or in the Reich. Separate camps must be organized behind the lines for the children."

Is that right?

GÖRING: Absolutely. It concerns areas overrun by guerrillas, and no one could expect me to leave cattle and foodstuffs at their disposal. Furthermore, people who were repeatedly being incited to guerrilla activities and revolts against us had to be brought back to safe areas and put to work. I would like to emphasize that this was absolutely vital for the security of the troops. But I may emphasize again that you said I gave the same orders which you read from Terboven's letter. I did not order villages to be burned, and did not order the shooting of hostages. This was something basically different.

MR. JUSTICE JACKSON: You simply seized all the men, women and children and moved them out. That is what I referred to.

By May of 1944 your problem in the loss of fighter aircraft and fighter personnel was becoming serious?

GÖRING: Yes.

MR. JUSTICE JACKSON: On the 19th of May, 1944, you had a conference in your office, on the subject of fighter aircraft and the losses of fighter personnel, did you not?

GÖRING: Yes.

MR. JUSTICE JACKSON: And you have been shown the minutes of that meeting and authenticated them in your interrogations?

GÖRING: It is not the minutes of that conference. It is a short and brief summary by an officer of a meeting which, as far as I know, lasted 2 days.

MR. JUSTICE JACKSON: I will ask to have you shown Document L-166. It is entitled, "Most Secret Document," isn't it?

GÖRING: That is correct.

MR. JUSTICE JACKSON: And it is also entitled, "Minutes of conference on fighter aircraft with the Reich Marshal on 15 and 16 May 1944." That is correct, too, is it not?

GÖRING: No, it says, "Notices of a conference on fighter aircraft at the Reich Marshal's on 15 and 16 May 1944."

MR. JUSTICE JACKSON: "Notices," you translate it "notices"?

GÖRING: It says "memorandum" here and that is the original.

MR. JUSTICE JACKSON: "Notes of Conference on Fighter Aircraft."

GÖRING: Lasting 2 days.

MR. JUSTICE JACKSON: Yes. And at first General Galland described in detail the situation regarding fighter personnel. That took place, didn't it, and he reviewed the losses?

GÖRING: Yes.

MR. JUSTICE JACKSON: And reviewed the losses?

GÖRING: That is right.

MR. JUSTICE JACKSON: And then he reviewed at some length under Item 2, "Remedial Measures," is that right?

GÖRING: According to the memorandum, yes, but whether that actually took place I cannot say.

MR. JUSTICE JACKSON: This conference took place, didn't it?

GÖRING: Absolutely, 2 days.

MR. JUSTICE JACKSON: And under Item 3 General Galland made certain proposals, did he not?

GÖRING: Yes.

MR. JUSTICE JACKSON: And then after considerable discussion General Schmidt made certain proposals, Items 12 and 13, is that right?

GÖRING: It must have been so. At any rate it says so according to the memorandum.

MR. JUSTICE JACKSON: You recommended a conference between the chief of the General Staff and the chief of artillery, as soon as possible, did you not? Item 13?

GÖRING: Yes.

MR. JUSTICE JACKSON: And General Schmidt's recommendations and requests appear in Items 14 and 15 and 16 and 17 and 18?

GÖRING: Yes.

MR. JUSTICE JACKSON: Then you decided:

"The Reich Marshal has decided that only the III-groups of fighter squadrons are to remain in the Reich, and that all the fighters fit for operations are to be pressed into service."

That occurred, did it not?

GÖRING: Yes.

MR. JUSTICE JACKSON: Then:

"The Reich Marshal desires that when low-level attack on airfields are made, causing considerable loss in personnel and material, the measures taken for defense and dispersal are to be re-examined by the Luftwaffenführungsstab."

Number 19. That occurred, did it not?

GÖRING: Yes.

MR. JUSTICE JACKSON: Item 20 reads:

"The Reich Marshal wishes to propose to the Führer that American and English crews who shoot indiscriminately over towns, at moving civilian trains, or at soldiers hanging to parachutes should be shot immediately on the spot."

Have I correctly read that?

GÖRING: It says so here. And I objected at once at that time that this was not correct. This passage has no connection at all with the context of these notes, 19-21. Besides the expression "soldiers hanging to parachutes" is entirely misleading and not commonly used. I thought for a long time about how this could have got into the notes, which I never saw and which were drawn up over a period of 2 days, and can only find the explanation that I pointed out—as can be gathered from the other evidence—that around that time the Führer gave a directive in that connection, and that in any event there must be a mistake; that is, it should not be that the Reich Marshal wants to propose, *et cetera,* to the Führer, but that I might have suggested that the Führer had some such intention. But about this the author of these notes would have to be consulted. No other item in all these notes refers to this. Even the next item is entirely different. Whereas everything else stands in relationship, this one point is extraneous.

MR. JUSTICE JACKSON: In all the notes of the 2 days, this is the one thing that you say is mistaken.

Now I ask to have you shown Document 731-PS.

[Document 731-PS was submitted to the witness.]

Now, the conference, the notes of which I have just read you, was followed within a week by the order, 731-PS, was it not, the memorandum, 731-PS, which reads:

"The Führer has reached the following decision in regard to measures to be taken against Anglo-American air crews in special instances:

"Enemy airmen who have been brought down are to be shot without court martial proceedings in the following instances . . ."

THE PRESIDENT: Mr. Justice Jackson, shouldn't you refer to a passage four lines above that, after "Report of the Reich Marshal"?

MR. JUSTICE JACKSON: I did not, but perhaps for the record it ought to be in full.

"Chief of the Command Staff of the Armed Forces, Chief WFSt. Please direct drafting of order. W (Warlimont). K (Keitel), Deputy Chief of Command Staff of the Armed Forces. Must go to Reichsführer SS. According to the report of the Reich Marshal, General Korten made the following statement: 'Memorandum' "—I think the next line is not in the original—

" 'The Führer has given the following ruling in regard to measures to be taken against Anglo-American air crews in special instances:

" 'Enemy airmen whose machines have been shot down are to be shot without trial by court martial in the following cases:

" '(1) In the event of the shooting of our own German air crews while they are parachuting to earth.

" '(2) In the event of aerial attacks upon German planes which have made emergency landings and whose crews are in the immediate vicinity.

" '(3) In the event of attacks upon railway trains engaged in public transport.

" '(4) In the event of low-level aerial attacks upon individual civilians, farmers, workers, single vehicles, and so forth.' "

Now, there is a note: "In the event of low-level aerial attacks on individual civilians, single civilian vehicles, and so forth," is there not?

GÖRING: On my copy, "In the event of low-level aerial attacks—on single"—"single" is crossed out here and there are two words

written above which I cannot read. Before the expression, "single vehicles," is the word "civilian" and referring to Point 2, it says:

"I consider it doubtful, because the destruction of a plane which has made an emergency landing cannot be designated as gangster methods but rather as a measure in keeping with the strictest standards of civilized warfare."

We are concerned with the entire series of questions discussed in these days and weeks and to which Von Brauchitsch also testified recently.

MR. JUSTICE JACKSON: That note about that emergency landing is signed by "J," isn't it, which stands for "Jodl"?

GÖRING: Certainly.

MR. JUSTICE JACKSON: I think that is all I care to ask.

There are a number of documents which should be introduced in this connection, and I think it will be best perhaps if we tabulate them and get them ready over the evening and present them in the morning.

THE PRESIDENT: Certainly, Mr. Justice Jackson, you can put them all in then.

SIR DAVID MAXWELL-FYFE: I want to ask you first some questions about the matter of the British Air Force officers who escaped from Stalag Luft III. Do you remember that you said in giving your evidence that you knew this incident very completely and very minutely? Do you remember saying that?

GÖRING: No—that I had received accurate knowledge; not that I had accurate knowledge—but that I received it.

SIR DAVID MAXWELL-FYFE: Let me quote your own words, as they were taken down, "I know this incident very completely, very minutely, but it came to my attention, unfortunately, at a later period of time." That is what you said the other day, is that right?

GÖRING: Yes, that is what I meant; that I know about the incident exactly, but only heard of it 2 days later.

SIR DAVID MAXWELL-FYFE: You told the Tribunal that you were on leave at this time, in the last period of March 1944, is that right?

GÖRING: Yes, as far as I remember I was on leave in March until a few days before Easter.

SIR DAVID MAXWELL-FYFE: And you said, "As I can prove." I want you to tell the Tribunal the dates of your leave.

GÖRING: I say again, that this refers to the whole of March—I remember it well—and for proof I would like to mention the people who were with me on this leave.

SIR DAVID MAXWELL-FYFE: What I want to know is, where you were on leave.

GÖRING: Here, in the vicinity of Nuremberg.

SIR DAVID MAXWELL-FYFE: So you were within easy reach of the telephone from the Air Ministry or, indeed, from Breslau, if you were wanted?

GÖRING: I would have been easily accessible by phone if someone wanted to communicate with me.

SIR DAVID MAXWELL-FYFE: I want you to help me with regard to one or two other dates of which you have spoken. You say: "I heard 1 or 2 days later about this escape." Do you understand, Witness, that it is about the escape I am asking you, not about the shooting, for the moment; I want to make it quite clear.

GÖRING: It is clear to me.

SIR DAVID MAXWELL-FYFE: Did you mean by that, that you heard about the actual escape 1 or 2 days after it happened?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: Did you hear about it from the office of your adjutant or from your director of operations?

GÖRING: I always heard these things through my adjutant. Several other escapes had preceded this one.

SIR DAVID MAXWELL-FYFE: Yes, that's right. There had been a number of escapes from this camp.

GÖRING: I cannot tell you exactly whether they were from this camp. Shortly before several big escapes had taken place, which I always heard of through the office of my adjutant.

SIR DAVID MAXWELL-FYFE: I want you to tell the Tribunal another date: You say that on your return from leave your chief of staff made a communication to you. Who was your chief of staff?

GÖRING: General Korten was chief of staff at that time.

SIR DAVID MAXWELL-FYFE: Can you tell us the date at which he made this communication to you?

GÖRING: No, I cannot tell you that exactly. I believe I discussed this incident with my chief of staff later, telling him what I had already heard about it from other sources.

SIR DAVID MAXWELL-FYFE: Who was the first to tell you about it? Was it your chief of staff who told you about the shootings? Do you mean that some one else had told you about the shooting?

GÖRING: I cannot say exactly now whether I heard about the shooting from the chief of staff, or from other sources. But in any event I discussed this with the chief of staff.

SIR DAVID MAXWELL-FYFE: What was the date that you talked about it with your chief of staff?

GÖRING: I cannot tell you the date exactly from memory, but it must have been around Easter.

SIR DAVID MAXWELL-FYFE: That would be just about the end of March, wouldn't it?

GÖRING: No. It might have been at the beginning of April, the first half of April.

SIR DAVID MAXWELL-FYFE: And then you had an interview with Himmler, you have told us?

GÖRING: Yes, I talked with Himmler about this.

SIR DAVID MAXWELL-FYFE: Can you fix that?

GÖRING: Of course I cannot establish this date with certainty. I saw Himmler, and, at the first opportunity after I had heard about this incident, spoke to him about it.

SIR DAVID MAXWELL-FYFE: So that you can't fix the date in relation to your coming back from leave, or the interview with your chief of staff, or any other date, or Easter?

GÖRING: Without any documents it is, as I said, impossible for me today to fix the date. I can only mention the approximate period of time; and that I have done.

SIR DAVID MAXWELL-FYFE: You said the other day that you could prove when you were on leave. Am I to take it that you haven't taken the trouble to look up what your leave dates were?

GÖRING: I have already said that I was on leave during March. Whether I returned on the 26th or the 28th or the 29th of March I cannot tell you. For proof of that you would have to ask the people who accompanied me, who perhaps can fix this date more definitely. I know only that I was there in March.

SIR DAVID MAXWELL-FYFE: Witness, will it be perfectly fair to you if I take the latest of your dates, the 29th of March, to work on?

GÖRING: It would be more expedient if you would tell me when Easter was that year, because I do not recall it. Then it will be easier for me to specify the dates, because I know that a few days before Easter I returned to Berchtesgaden in order to pass these holidays with my family.

SIR DAVID MAXWELL-FYFE: A few days before Easter you went back to Berchtesgaden?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: So you had come back on leave some day before that. Before you went to Berchtesgaden you had come back from your March leave?

GÖRING: Berchtesgaden was then at the same time the headquarters of the Führer. I returned from my leave to Berchtesgaden, and with my return my leave ended, because I returned to duty. The return to Berchtesgaden was identical with the termination of my leave.

SIR DAVID MAXWELL-FYFE: Well, I can't give you Easter offhand, but I happen to remember Whitsuntide was the 28th of May, so that Easter would be early, somewhere about the 5th of April. So that your leave would finish somewhere about the end of March, maybe the 26th or the 29th; that is right, isn't it?

Now, these shootings of these officers went on from the 25th of March to the 13th of April; do you know that?

GÖRING: I do not know that exactly.

SIR DAVID MAXWELL-FYFE: You may take that from me, because there is an official report of the shooting, and I want to be quite fair with you. Only 49 of these officers were shot on the 6th of April, as far as we can be sure, and one was shot either on the 13th of April or later. But the critical period is the end of March, and we may take it that you were back from leave by about the 29th of March.

I just want you to tell the Tribunal this was a matter of great importance, wasn't it? Considered a matter of great importance?

GÖRING: It was a very important matter.

SIR DAVID MAXWELL-FYFE: General Milch—I beg pardon—Field Marshal Milch has said that it was a matter which would require the highest authority, and I think you have said that you know it was Hitler's decision that these officers should be shot; is that so?

GÖRING: The question did not come through clearly.

SIR DAVID MAXWELL-FYFE: It was Hitler's decision that these officers should be shot?

GÖRING: That is correct; and I was later notified that it was Hitler's decree.

SIR DAVID MAXWELL-FYFE: I want you just to remember one other thing, that immediately it was published, the British Foreign Secretary, Mr. Eden, at once said that Great Britain would demand justice of the perpetrators of these murders; do you remember that?

GÖRING: I cannot remember the speech to the House of Commons given by Eden. I myself do not know the substance of this speech even today. I just heard that he spoke in Parliament about this incident.

SIR DAVID MAXWELL-FYFE: I want you to tell the Tribunal just who the persons in your ministry involved were. I will tell you; I think it would be shorter in the end. If you disagree you can correct me.

The commandant of Stalag Luft III was Oberst Von Lindeiner of your service, was he not?

GÖRING: That is quite possible. I did not know the names of all these commandants. There was a court martial against him and that was because the escape was possible. He was not connected with the shootings.

SIR DAVID MAXWELL-FYFE: No, but he was commandant of the camp, and I suppose you had to review and confirm the proceedings of the Zentralluftwaffengericht which convicted him and sentenced him to a year's imprisonment for neglect of duty. That would come to you, wouldn't it? Wouldn't that come to you for review?

GÖRING: No, only if larger penalties were involved. One year imprisonment would not come to my attention. But I know, and I would like to certify, that court proceedings were taken against him for neglect of duty at the time of the escape.

SIR DAVID MAXWELL-FYFE: In May of 1943, Inspectorate Number 17 had been interposed between the Luftwaffe and the Prisoners of War Organization of the OKW, the Kriegsgefangenenwesen; do you remember that?

GÖRING: I do not know the details about inspection nor how closely it concerned the Prisoners of War Organization of the OKW, or how it was otherwise.

SIR DAVID MAXWELL-FYFE: I want to remind you of who your own officers were. You understand, Witness, that your own officers are involved in this matter. I want to remind you who they were. Was the head of Inspectorate 17 Major General Grosch of the Luftwaffe?

GÖRING: Major General Grosch is of the Luftwaffe.

SIR DAVID MAXWELL-FYFE: You told the Tribunal the other day—I am quoting your own words—that you knew from information, you knew this incident very completely and very minutely. You are now telling the Tribunal you don't know whether Major General Grosch was head of Inspectorate Number 17 of the Luftwaffe.

GÖRING: That is irrelevant. I told the High Tribunal that I heard an accurate account of the incident of the shooting of these airmen, but that has no connection with General Grosch and his inspectorate, for he did not participate in the shooting.

SIR DAVID MAXWELL-FYFE: I will show you that connection in one minute if you will just answer my questions. Was Grosch's second in command Oberst Welder; do you remember that?

GÖRING: I do not know the particulars of the organization for inspection of prisoner-of-war camps, nor the leaders, nor what positions they held. At least not by heart. I would like to emphasize again, so that there will be no confusion, that when I said I knew about this matter, I mean that I knew how the order was issued and that the people were shot, that I came to know all about this; but not as far as this was related to inspections, possibilities of flight, *et cetera.*

SIR DAVID MAXWELL-FYFE: And did General Grosch, as head of Inspectorate 17, have to report to General Förster, your director of operations at the Luftwaffe Ministerium?

GÖRING: That I cannot tell you without having the diagram of the subordinate posts before me. General Förster was, I believe at that time, head of the Luftwehr, or a similar designation, in the ministry. I concerned myself less with these matters, because they were not directly of a tactical, strategic, or of an armament nature. But it is quite possible and certain that he belonged to this department.

SIR DAVID MAXWELL-FYFE: I put it to you quite shortly, and if you don't know I will leave it for the moment. Did you know Major General Von Graevenitz was head of the Defendant Keitel's department, the Kriegsgefangenenwesen, that dealt with prisoners of war?

GÖRING: I first heard about General Graevenitz here, for this department did not directly concern me. I could not know all of these military subordinate commanders in their hundreds and thousands of departments.

SIR DAVID MAXWELL-FYFE: So I take it that you did not know Colonel, now General Westhoff, of the department under Von Graevenitz?

GÖRING: Westhoff I never saw at all, and he did not belong to the Luftwaffe.

SIR DAVID MAXWELL-FYFE: I am not suggesting that Von Graevenitz and Westhoff belonged to the Luftwaffe. I wanted to make it clear that I was suggesting they belonged to General Keitel's organization.

GÖRING: I did not know either; and I did not know what posts they occupied.

SIR DAVID MAXWELL-FYFE: Up to that time you still had a considerable influence in the Reich, didn't you?

GÖRING: At this time no longer. This no longer concerns 1944.

SIR DAVID MAXWELL-FYFE: But you were still head of the Luftwaffe and head of the Air Ministry, weren't you?

GÖRING: Yes, I was.

SIR DAVID MAXWELL-FYFE: And you had, as head of the Luftwaffe and head of the Air Ministry, been responsible for six prisoner-of-war camps for the whole of the war up to that time, hadn't you?

GÖRING: How many prisoner-of-war camps I do not know. But of course I bear the responsibility for those which belonged to my ministry.

SIR DAVID MAXWELL-FYFE: To the Air Force?

GÖRING: Yes, those which were subordinate to the Air Force.

SIR DAVID MAXWELL-FYFE: You knew about the general plan for treatment of prisoners of war, which we have had in evidence as the "Aktion Kugel" plan, didn't you?

GÖRING: No. I knew nothing of this action. I was not advised of it.

SIR DAVID MAXWELL-FYFE: You were never advised of Aktion Kugel?

GÖRING: I first heard of Aktion Kugel here; saw the document and heard the expression for the first time. Moreover no officer of the Luftwaffe ever informed me of such a thing; and I do not believe that a single officer was ever taken away from the Luftwaffe camps. A report to this effect was never presented to me, in any case.

SIR DAVID MAXWELL-FYFE: You know what Aktion Kugel was: That escaped officers and noncommissioned officers, other than British and American, were to be handed over to the police and taken to Mauthausen, where they were shot by the device of having a gun concealed in the measuring equipment when they thought they were getting their prison clothes. You know what Aktion Kugel is, don't you?

GÖRING: I heard of it here.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal that you did not know that escaped prisoners of war who were picked

up by the police were retained by the police and taken to Mauthausen?

GÖRING: No, I did not know that. On the contrary, various prisoners who escaped from my camps were caught again by the police; and they were all brought back to the camps; this was the first case where this to some extent did not take place.

SIR DAVID MAXWELL-FYFE: But didn't you know that Colonel Welder, as second in command of your ministry's inspectorate, issued a written order a month before this, in February 1944, that prisoners of war picked up by the Luftwaffe should be delivered back to their camp, and prisoners of war picked up by the police should be held by them and no longer counted as being under the protection of the Luftwaffe; didn't you know that?

GÖRING: No. Please summon this colonel to testify if he ever made a report of that nature to me, or addressed such a letter to me.

SIR DAVID MAXWELL-FYFE: Well, of course I cannot tell whether your ministry was well run or not. But he certainly issued the order, because he says so himself.

GÖRING: Then he must say from whom he received this order.

SIR DAVID MAXWELL-FYFE: I see. Well, he says that he issued this order, and you know as well as I do that prisoners of war is a thing that you have got to be careful about, because you have got a protecting power that investigates any complaint; and you never denounced the Convention and you had the protecting power in these matters all through the war, had you not? That is right, isn't it?

GÖRING: That is correct, but I take the liberty to ask who gave him this order, whether he received this order from me.

SIR DAVID MAXWELL-FYFE: Well, he would not get it direct from you. I do not think you had ever met him, had you? He would get it from Lieutenant General Grosch, wouldn't he?

GÖRING: Then Grosch should say whether he received such an order from me. I never gave such an order.

SIR DAVID MAXWELL-FYFE: I see. So you say that you had never heard—this was 3½ years after the beginning of the war—and you had never heard that any escaped prisoners of war were to be handed over to the police. Is that what you ask the Tribunal to believe?

GÖRING: To the extent that escaped prisoners of war committed any offenses or crimes, they were of course turned over to the police, I believe. But I wish to testify before the Court that I never gave any order that they should be handed over to the police or

sent to concentration camps merely because they had attempted to break out or escape, nor did I ever know that such measures were taken.

SIR DAVID MAXWELL-FYFE: This is my last question: I want to make it quite clear, Witness, that I am referring to those who had escaped, who had got away from the confines of the camp and were recaptured by the police. Didn't you know that they were handed over to the police?

GÖRING: No. Only if they had committed crimes while fleeing, such as murder and so on. Such things occurred.

[The Tribunal adjourned until 21 March 1946 at 1000 hours.]

EIGHTY-SEVENTH DAY

Thursday, 21 March 1946

Morning Session

SIR DAVID MAXWELL-FYFE: Witness, do you remember telling me last night that the only prisoners of war handed over to the police were those guilty of crimes or misdemeanors?

GÖRING: I did not express myself that way. I said if the police apprehended prisoners of war, those who had committed a crime during the escape, as far as I know, were detained by the police and were not returned to the camp. To what extent the police kept prisoners of war, without returning them to a camp, I was able to gather from interrogations and explanations here.

SIR DAVID MAXWELL-FYFE: Would you look at Document D-569? Would you look first at the top left-hand corner, which shows that it is a document published by the Oberkommando der Wehrmacht?

GÖRING: The document which I have before me has the following heading at the top left-hand corner: "The Reichsführer SS," and the subheading: "Inspector of Concentration Camps."

SIR DAVID MAXWELL-FYFE: It is a document dated the 22d of November 1941. Have you got it?

GÖRING: Yes, I have it now.

SIR DAVID MAXWELL-FYFE: Now, look at the left-hand bottom corner, as to distribution. The second person to whom it is distributed is the Air Ministry and Commander-in-Chief of the Air Force on 22 November 1941. That would be you.

GÖRING: That's correct. I would like to make the following statement in connection with this . . .

SIR DAVID MAXWELL-FYFE: Just for a moment. I would like you to appreciate the document and then make your statement upon it. I shall not stop you. I want you to look at the third sentence in Paragraph 1. This deals with Soviet prisoners of war, you understand. The third sentence says:

> "If escaped Soviet prisoners of war are returned to the camp in accordance with this order, they have to be handed over to the nearest post of the Secret State Police, in any case."

And then Paragraph 2 deals with the special position—if they commit crimes, owing to the fact that:

"... at present these misdemeanors on the part of Soviet prisoners of war are particularly frequent, due most likely to living conditions still being somewhat unsettled, the following temporary regulations come into force. They may be amended later. If a Soviet prisoner of war commits any other punishable offense then the commandant of the camp must hand the guilty man over to the head of the Security Police."

Do I understand this document to say that a man who escapes will be handed over to the Security Police? You understand this document says a man who escapes will be handed over to the Secret Police, a man who commits a crime, as you mentioned, will be handed over to the Security Police. Wasn't that the condition that obtained from 1941 up to the date we are dealing with in March 1944?

GÖRING: I would like to read the few preceding paragraphs so that no sentences are separated from their context.

SIR DAVID MAXWELL-FYFE: My Lord, while the witness is reading the document, might I go over the technical matter of the arrangement of exhibits? When I cross-examined Field Marshal Kesselring I put in three documents, UK-66, which becomes Exhibit GB-274; D-39, which becomes GB-275; TC-91, which becomes GB-276; so this document will become GB-277.

[Turning to the witness.] Have you had an opportunity of reading it, Witness?

GÖRING: Yes, I have.

SIR DAVID MAXWELL-FYFE: Then I am right, am I not, that the Soviet prisoners of war who escaped were to be, after their return to the camp, handed over to the Secret State Police. If they committed a crime, they were to be handed over to the Security Police, isn't that right?

GÖRING: Not exactly correct. I would like to point to the third sentence in the first paragraph. There it says, "If a prisoner-of-war camp is in the vicinity, then the man who is recaptured is to be transported there."

SIR DAVID MAXWELL-FYFE: But read the next sentence, "If a Soviet prisoner of war is returned to the camp"—that is in accordance with this order which you have just read—"he has to be handed to the nearest service station of the Secret State Police." Your own sentence.

GÖRING: Yes, but the second paragraph which follows gives an explanation of frequent criminal acts of Soviet prisoners of war, *et cetera,* committed at that time. You read that yourself; that is also connected with this Paragraph Number 1. But this order was

given by itself and it was distributed to the Army, the Air Force and the Navy. And I would like to give the explanation of its distribution. In this war there were not only hundreds, but thousands of current orders which were issued by superiors to subordinate officers and were transmitted to various departments. That does not mean that each of these thousands of orders was submitted to the Commander-in-Chief; only the most decisive and most important were shown to him. The others went from department to department. Thus it is that this order from the Chief of the High Command was signed by a subordinate department, and not by the Chief of the High Command himself.

SIR DAVID MAXWELL-FYFE: This order would be dealt with by your prisoner-of-war department in your ministry, wouldn't it?

GÖRING: This department, according to the procedure adopted for these orders, received the order, but no other department received it.

SIR DAVID MAXWELL-FYFE: I think the answer to my question must be "yes." It would be dealt with by the prisoner-of-war department—your ministry. Isn't that so?

GÖRING: I would say yes.

SIR DAVID MAXWELL-FYFE: It is quicker, you see, if you say "yes" in the beginning; do you understand?

GÖRING: No; it depends upon whether I personally have read the order or not, and I will then determine as to my responsibility.

SIR DAVID MAXWELL-FYFE: Well now, the escape...

THE PRESIDENT: You were not asked about responsibility; you were asked whether it would be dealt with by your prisoner-of-war department.

SIR DAVID MAXWELL-FYFE: Now, the escape about which I am asking you took place on the night of the 24th to the 25th of March. I want you to have that date in mind. The decision to murder these young officers must have been taken very quickly, because the first murder which actually took place was on the 26th of March. Do you agree with that? It must have been taken quickly?

GÖRING: I assume that this order, as I was informed later, was given immediately, but it had no connection with this document.

SIR DAVID MAXWELL-FYFE: No, no; we are finished with that document; we are going into the murder of these young men. The Grossfahndung—a general hue and cry, I think, would be the British translation—was also issued at once in order that these men should be arrested; isn't that so?

GÖRING: That is correct. Whenever there was an escape, and such a large number of prisoners escaped, automatically in the whole Reich, a hue and cry was raised, that is, all authorities had to be on the lookout to recapture the prisoners.

SIR DAVID MAXWELL-FYFE: So that in order to give this order to murder these men, and for the Grossfahndung, there must have been a meeting of Hitler, at any rate with Himmler or Kaltenbrunner, in order that that order would be put into effect; isn't that so?

GÖRING: That is correct. According to what I heard, Himmler was the first to report this escape to the Führer.

SIR DAVID MAXWELL-FYFE: Now, General Westhoff, who was in Defendant Keitel's Kriegsgefangenenwesen, in his prisoner-of-war set-up, says this, that

"On a date, which I think was the 26th, Keitel said to him, 'This morning Göring reproached me in the presence of Himmler for having let some more prisoners of war escape. It was unheard of.' "

Do you say that General Westhoff is wrong?

GÖRING: Yes. This is not in accordance with the facts. General Westhoff is referring to a statement of Field Marshal Keitel. This utterance in itself is illogical, for I could not accuse Keitel because he would not draw my attention to it, as the guarding was his responsibility and not mine.

SIR DAVID MAXWELL-FYFE: One of the Defendant Keitel's officers dealing with this matter was a general inspector, General Röttich. I do not know if you know him.

GÖRING: No.

SIR DAVID MAXWELL-FYFE: Well, General Westhoff, as one could understand, is very anxious to assure everyone that his senior officer had nothing to do with it, and he goes on to say this about General Röttich:

"He was completely excluded from it by the fact that these matters were taken out of his hands. Apparently at that conference with the Führer in the morning, that is to say, the conference between Himmler, Field Marshal Keitel, and Göring, which took place in the Führer's presence, the Führer himself always took a hand in these affairs when officers escaped."

You say that is wrong? You were at no such conference?

GÖRING: I was not present at this conference, neither was General Westhoff; he is giving a purely subjective view, not the facts of the case.

SIR DAVID MAXWELL-FYFE: So that we find that—you think that—Westhoff is wrong? You see, Westhoff, he was a colonel at this time, I think, and now he finishes as a major general, and he asks that the senior officers be asked about it; he says this: "It should be possible to find out that Himmler made the suggestion to the Führer—to find that out from Göring who was present at the conference." Again and again Westhoff, who after all is a comparatively junior officer, is saying that the truth about this matter can be discovered from his seniors. You say that it cannot.

GÖRING: I would not say that. I would like just to say that General Westhoff was never present for even a moment, therefore he cannot say, I know or I saw that Reich Marshal Göring was present. He is assuming it is so, or he may have heard it.

SIR DAVID MAXWELL-FYFE: What he says is, you know, that Keitel blamed him, as I have read to you; that Keitel went on to say to him at General Von Graevenitz', "Gentlemen, the escapes must stop. We must set an example. We shall take very severe measures. I am only telling you that, that the men who have escaped will be shot; probably the majority of them are dead already." You never heard anything of that?

GÖRING: I was neither present at the Keitel-Westhoff-Graevenitz conversation nor at the Führer-Himmler conversation. As far as I know General Westhoff will be testifying here. Moreover, Field Marshal Keitel will be able to say whether I was there or not.

SIR DAVID MAXWELL-FYFE: Well then, I am bound to put this to you. I come on to your own ministry. I suppose in general you take responsibility for the actions of the officers of your ministry from the rank of field officer and above—colonels and major generals and lieutenant generals?

GÖRING: If they acted according to my directives and my instructions, yes; if they acted against my directives and instructions, no.

SIR DAVID MAXWELL-FYFE: Well now, just let us see what happened in your own ministry. You know that—do you know, that Colonel Walde made a personal investigation of this matter at the camp? Did you know that?

GÖRING: The particulars about this investigation, as I explained yesterday, are unknown to me; I know only that investigations did take place.

SIR DAVID MAXWELL-FYFE: Now, on the 27th of March, that was a Monday, did you know that there was a meeting in Berlin about this matter? Just let me tell you who were there before you apply your mind to it, so you will know. Your ministry was represented by Colonel Walde, because Lieutenant General Grosch

had another meeting, so he ordered his deputy to attend; the Defendant Keitel's organization was represented by Colonel Von Reurmont; the Gestapo was represented by Gruppenführer Müller; the Kripo was represented by Gruppenführer Nebe. Now, all these officers were of course not on the policy level, but they were high executive officers who had to deal with the actual facts that were carried out, were they not?

GÖRING: They were not executive officers, insofar as it has not been definitely established that executive powers are within an officer's province. To the first question, whether I knew about this meeting, I would say no. Colonel Walde I do not even know personally.

SIR DAVID MAXWELL-FYFE: You mean to say, you are telling the Tribunal, that you were never told about this meeting at any time?

GÖRING: Yes, I am saying that.

SIR DAVID MAXWELL-FYFE: I just want you to look at—let him have Walde's statement—I want you to look at the statement of one of the officers of your own ministry on this point. This is a statement made by Colonel Ernst Walde, and—I am sorry I have not another German copy, but I will get one in due course—and in my copy, Witness, it is at the foot of Page 2, the beginning of the paragraph which I want you to look at, is: "As recaptured prisoners were not to be taken back to their camp, according to an order issued several weeks previously . . ."—can you find it?

GÖRING: Where is it?

SIR DAVID MAXWELL-FYFE: Well, in the English version it is at the middle of the second page, and I want to ask you about the—the middle of that paragraph; I do not know if you see a name—it stands out in my copy—Major Dr. Hühnemörder; do you see that?

GÖRING: Yes, I have found it.

SIR DAVID MAXWELL-FYFE: Well, it is the sentence after the name Major Dr. Hühnemörder appears: "On this Monday"—have you got this?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: Thank you.

"On this Monday a conference took place at the Reich Security Main Office at Berlin, Albrechtstrasse. As far as I remember this conference had been called by the Chief of the Prisoner-of-War Organization OKW, and I attended as representative of Luftwaffe Inspektion 17, since General Grosch was unable

to attend in person, for reasons which I cannot remember; the Chief of the Prisoner-of-War Organization, as far as I know, was represented by Colonel Von Reurmont, while the Security Office was represented by Gruppenführer Müller and Gruppenführer Nebe, the Chief of the Criminal Police at that time. I find it impossible to give a verbatim account of the conversation or to state what was said by every single person. But I remember this much: That we were informed about a conference which had taken place on the previous day, that is Sunday, at the Führer's headquarters in connection with the mass escape from Sagan, in the course of which heated discussions had taken place between the participants. In this connection the names of Himmler, Göring, and Keitel were mentioned. Whether Ribbentrop's name was also mentioned I do not remember. The Führer was not mentioned. At this conference appropriate measures were said to have been discussed, or taken, to check any such mass escapes in the future. The nature of these measures was not disclosed. Later, and more or less in conclusion, Gruppenführer Müller declared that requisite orders had already been given and put into effect the previous morning. Regarding the search for escaped prisoners, he could or would not make any statement; he merely declared that according to reports so far received, shootings had taken place at some points for attempted escapes. I think he said that the number was 10 or 15.

"After these remarks by Gruppenführer Müller, which unmistakably caused a shattering effect, it became clear to me that a decision had been made by the highest authority, and that therefore any intervention by subordinate departments was impossible and pointless."

Now, this was announced at a meeting of persons that I would call executives, that the shooting had already begun. Are you telling this Tribunal that this matter was made clear to these executives, including one of your own officers, and was never told to you? Are you still saying that?

GÖRING: I am still saying that. Firstly, that I have never heard anything about this conference. Secondly, that the officer in question is only surmising when he mentions the names, he makes no assertion. And thirdly, I would like to ask you also to mention the beginning of this statement, which begins as follows:

"In this matter of the mass escape of British Air Force officers from Prisoner-of-War Camp Number III, at Sagan on 24 or 25 March 1944, I make the following statement:

"I have to point out that in view of the absence of any documents, I am forced to reconstruct completely from memory events which happened almost a year and 9 months ago; I therefore ask that this fact and the possibility thus arising of my making a mistake be taken into consideration, and that due allowances be made."

SIR DAVID MAXWELL-FYFE: That is a perfectly fair point, and the answer to it is that I will show you what this officer reported at the time to his general.

Give the witness General Grosch's statement.

[The document was submitted to the witness.] We are getting reasonably high up. This officer, General Grosch, signs it as a Lieutenant General. Now, would you like, if you can, to help me again—you were most helpful last time—to try to find the place? This is a statement by Lieutenant General Grosch.

GÖRING: I request to have permission to read this document first, to see whether similar modifications apply here also.

SIR DAVID MAXWELL-FYFE: Will you read the first sentence? I do not want to take up time to read an account of the general matter. It says: "During my interrogation on 7 December 1945 I was told to write down all I knew about the Sagan case." And then he wrote it down. But I would like you to look at Number 1, the first page. Do you see at the foot of the page an account of the pyramid in your ministry of administration? Do you see that at the foot of Page 1?

[There was no response.]

SIR DAVID MAXWELL-FYFE: Witness, do you see at the foot of Page 1 the pyramid?

GÖRING: I see it but—I am now at the place.

SIR DAVID MAXWELL-FYFE: It comes in about the fourth paragraph.

GÖRING: I can see it, but I should like to read the other first.

SIR DAVID MAXWELL-FYFE: Then, if you will look about four small paragraphs on, it begins: "A few days after the day of the escape—I cannot remember the date any more—Colonel Walde informed me that OKW had called a conference in Berlin."

Do you see that?

I do not mind you running through it quickly, but you may take it that the first two pages are what I said were there, the pyramid of your ministry.

GÖRING: Yes, I have found it. Which paragraph, please?

SIR DAVID MAXWELL-FYFE: It is Part C, the fourth paragraph, the Sagan case. "A few days after the escape. . . ." Do you find that?

GÖRING: Yes, I have the place.

SIR DAVID MAXWELL-FYFE: Thank you.

"A few days after the day of the escape—I cannot remember the date any more—Colonel Walde informed me that the OKW had called a conference in Berlin—I believe on the premises of a high SS and police authority, and that the Inspectorate Number 17 was to send representatives. I should have liked to have gone myself, but had to attend another conference in Berlin, and asked Colonel Walde to attend as representative. After his return Colonel Walde informed me that the spokesman of the OKW had informed them that there was a decision by the Führer to the effect that, on recapture, the escaped British airmen were not to be handed back to the Luftwaffe but were to be shot."

Then missing a paragraph and taking the last line of the next paragraph:

"It is, however, certain that the danger of their being shot was even then clearly recognizable. I asked Colonel Walde whether such a far-reaching decision would be notified in writing to the High Command of the Luftwaffe or the Reich Air Ministry or whether he had been given anything in writing. Colonel Walde gave me to understand that the assembly were told by the spokesman of the OKW, that they would receive nothing in writing, nor was there to be any correspondence on this subject. The circle of those in the know was to be kept as small as possible. I asked Colonel Walde whether the spokesman of the OKW had said anything to the effect that the Reich Marshal or the High Command of the Luftwaffe had been informed about the matter. Colonel Walde assured me that the OKW spokesman had told them that the Reich Marshal was informed."

I will not ask you about that for the moment. I want you to look at what your general did. It says:

"Up to the time of Colonel Walde's report I had not received even so much as a hint anywhere that escaped prisoners of war should be treated in any other way than according to the provisions of the Geneva Convention.

"The same afternoon I rang up my superior officer, the Chief of Air Defense, to ask time for an interview with General der Flieger Förster. This was fixed for the next morning.

"When I came there to report I found General Förster together with his chief of staff. I asked General Förster for permission to speak to him alone and put the facts before him. In conclusion, I expressed the opinion that if the British airmen were to be shot, (a) there would be a breach of the Geneva Convention, (b) reprisal measures endangering the lives of German airmen held by the British as prisoners of war would have to be expected. I asked General Förster to bring the matter to the notice of the Reich Marshal even at this very late stage, and to stress those two points.

"General Förster was immediately prepared to do this. When it came to the choice of the way in which the matter could be brought to the attention of the Reich Marshal, it was decided to report to State Secretary Field Marshal Milch.

"In my presence General Förster rang up the office of the state secretary and obtained the interview at once. General Förster left the room, and while doing so he instructed me to wait for his return in his study. After some time General Förster came back and told me that he had reported the matter to the state secretary and that Field Marshal Milch had made the necessary notes."

Look at the last paragraph:

"I gave Colonel Walde the order, despite the ban by the OKW, to incorporate a detailed written statement about the conference in our records. So far as I know, this was done."

DR. STAHMER: Counsel Stahmer on behalf of the Defendant Göring.

We have had submitted here a series of affidavits given by witnesses who are in Nuremberg and who, in my opinion, could be brought as witnesses in person. Because of the importance of this matter, not only for Göring but for other defendants, I object to this procedure, on the assumption that the same rules apply for cross-examination as examination in chief. By that I mean that we should not be satisfied with an affidavit and depend on an affidavit, if the Prosecution can, without difficulty, summon the witness in order to have him testify before the Tribunal, so that the Defense may be in position to cross-examine these witnesses.

THE PRESIDENT: Dr. Stahmer, what you have said is entirely inaccurate. The rules with reference to cross-examination are not the same as rules with reference to examination in chief, and what is being done at the present moment is that the Defendant Göring is being cross-examined as to his credit. He has said that he knew nothing about this matter, and he has been cross-examined to prove that he has lied when he said that.

DR. STAHMER: Mr. President, according to my opinion the procedure should be that the witness be brought here in person. The fact remains that, in our estimation, a reference to an affidavit is a less desirable means than the personal testimony of a witness, which affords the Defense the possibility of adducing evidence.

THE PRESIDENT: Dr. Stahmer, as I have already pointed out to you, you are quite in error in thinking that the rules for cross-examination are the same as for examination in chief. The witness at the present moment is being cross-examined and is being cross-examined as to credit; that is to say, to prove whether or not he is telling the truth.

As to the calling of this witness—I think his name is Grosch—you can apply to call him if you want to do so. That is an entirely different matter.

DR. STAHMER: Yes. I quite understand, Mr. President; but I had to have the possibility of calling the people who are mentioned in this affidavit, in case I consider it necessary.

THE PRESIDENT: Well, you can apply to do that.

SIR DAVID MAXWELL-FYFE: *[Turning to the witness.]* You understand, what I am suggesting to you is that here was a matter which was not only known in the OKW, not only known in the Gestapo and the Kripo, but was known to your own director of operations, General Förster, who told General Grosch that he had informed Field Marshal Milch. I am suggesting to you, that it is absolutely impossible and untrue that in these circumstances you knew nothing about it.

GÖRING: I would like first to establish an entirely different point. In the German interpretation regarding the first objection by Dr. Stahmer, the following came through:

SIR DAVID MAXWELL-FYFE: The Tribunal does not want you to discuss legal objections.

THE PRESIDENT: Will you please answer the question that is put to you? You have already been told that you must answer a question directly and make any explanation afterwards, and shorten it.

SIR DAVID MAXWELL-FYFE: Do you still say, in view of that evidence, in view of these statements from the officers of your own ministry, that you knew nothing about this?

GÖRING: Precisely these statements confirm this, and I would like to make a short explanation. You determined a date. You said it was the 27th. But in this statement by Grosch this date is not determined. It says: "A few days after the escape, I do not recall the date, Colonel Walde informed me."

Secondly, it says here that General Förster, who was not chief of my operational branch but chief of another branch of the ministry, mentioned this matter to State Secretary Field Marshal Milch, without referring to the date. General Field Marshal Milch was here as a witness, but unfortunately, he was never questioned as to whether he gave me this report, and at what time, and whether to me direct.

SIR DAVID MAXWELL-FYFE: Oh yes, he was, and General Field Marshal Milch took the same line as you, that he knew nothing about it, that Förster had never spoken to him. It was asked by my friend, Mr. Roberts, "Didn't General Förster speak to you about it?"

What I am suggesting is that both you and Field Marshal Milch are saying you knew nothing about it, when you did, and are leaving the responsibility on the shoulders of your junior officers. That is what I am suggesting and I want you to understand it.

GÖRING: No, I do not wish to push responsibility on to the shoulders of my subordinates, and I want to make it clear—that is the only thing that is important to me—that Field Marshal Milch did not say that he reported this matter to me. And, secondly, that the date when Förster told Milch about this is not established. It could have been quite possible that on the date when this actually happened, the Chief of the General Staff of the Luftwaffe might already have conferred with me about it. The important factor is—and I want to maintain it—that I was not present at the time when the command was given by the Führer. When I heard about it, I vehemently opposed it. But at the time I heard of it, it was already too late. That a few were shot later, was not yet known at the time, neither was the exact time of the event. Most of them had been shot already.

Thirdly, those who escaped, and were captured in the direct vicinity of the camp by our guards were returned to the camp and were not handed over. Those prisoners who were captured by the police and the Grossfahndung, and returned to the camp before the Führer had issued the decree, were likewise not handed over and shot.

SIR DAVID MAXWELL-FYFE: You know that, according to Wielen, who is going to give evidence, the selection of the officers to be shot—a list as regards the selection of officers to be shot—a list had been prepared by the camp authorities at the request of Department 5, that is of the RSHA Kripo Department, in which those officers were regarded as disturbing elements—plotters and escape leaders, having been specifically mentioned. The names were selected either by the commandant or by one of these officers. Thereupon, the shooting of the officers mentioned by name was

accordingly ordered by Department 4 of the RSHA and corresponding instructions sent to the Staatspolizei.

Are you telling the Tribunal you did not know that your own officers were selecting the men to be shot on the ground that they were plotters and escape leaders? In any other service in the world, attempt to escape is regarded as a duty of an officer, isn't it, when he is a prisoner of war? Isn't that so?

GÖRING: That is correct, and I have emphasized that. To your first question, I would like to put on record very definitely that we are dealing with the utterances of a man who will be testifying as a witness. As to whether he actually asked for a list and saw a list, his utterance is illogical. There was no selection made for shooting. Those who were captured by the police were shot without exception, and those who had not been returned to the camp. No officers were selected as representing disturbing elements, but those who had returned to the camp were not shot. Those who were recaptured by the police outside the camp were shot without exception, on the orders of the Führer. Therefore, the utterance is entirely illogical and not in accordance with the facts.

I know nothing about such a list being asked for, nor about the carrying out of such a wish. I personally pointed out to the Führer repeatedly that it is the duty of these officers to escape, and that on their return after the war, they would have to give an account of such attempts, which as far as I can remember should be repeated three times, according to English rules.

SIR DAVID MAXWELL-FYFE: You remember that the Government of Germany sent an official note about this matter, saying that they had been shot while resisting arrest while trying to escape? Do you remember that?

GÖRING: I heard for the first time that there had been a note to this effect when the reply to it was sent. I had no part in the drawing up of the note. I know of its contents only through the reply, for I happened to be there when the reply came in.

SIR DAVID MAXWELL-FYFE: I am not at the moment on the point that everyone now admits that the note was a complete and utter lie. I am on the point of the seriousness of this matter. Do you know that General Westhoff says in his statement: "Then, when we read this note to England in the newspaper, we were all absolutely taken aback. We all clutched our heads, mad." According to Mr. Wielen, who will be here, it was a contributory cause for General Nebe of the Kripo, for nights on end, not going to bed but passing the night on his office settee. You will agree, won't you, Witness, that this was a serious and difficult matter? All these officers that had to deal with it found it a serious and difficult matter, isn't that so?

GÖRING: Not only these officers found this matter serious and difficult, but I myself considered it the most serious incident of the whole war and expressed myself unequivocally and clearly on this point, and later, when I learned the contents of the note, I knew that this note was not in accordance with the truth. I gave expression to my indignation, inasmuch as I immediately told my Quartermaster General to direct a letter to the OKW to the effect that we wished to give up the camps for prisoners of war, because under these circumstances, we no longer wished to have anything to do with them.

SIR DAVID MAXWELL-FYFE: And according to your evidence in chief, what you did was to turn to Himmler, asking him if he had received the order, and then you said,

> "I told him what excitement would result in my branch, because we could not understand such measures; and if he had received such orders, he would please inform me before carrying them through so that I would have the possibility to prevent such orders from being carried out, if possible"—and then you said that you—"talked to the Führer and that he confirmed that he had given the order and told me why."

You, according to that evidence, still had enough influence in Germany, in your opinion, to stop even Himmler issuing such orders or carrying—I am sorry, I said "issuing"—carrying out such orders.

GÖRING: You are giving my statement a completely wrong meaning. I told Himmler plainly that it was his duty to telephone me before the execution of this matter, to give me the possibility, even at this period of my much diminished influence, to prevent the Führer from carrying out this decree. I did not mean to say that I would have been completely successful, but it was a matter of course that I, as Chief of the Luftwaffe, should make it clear to Himmler that it was his duty to telephone me first of all, because it was I who was most concerned with this matter. I told the Führer in very clear terms just how I felt, and I saw from his answers that, even if I had known of it before, I could not have prevented this decree, and we must keep in mind that two different methods of procedure are in question. The order was not given to the Luftwaffe, that these people were to be shot by the Luftwaffe personnel, but to the police. If the Führer had said to me, "I will persist in this decree which I gave the police," I would not have been able to order the police not to carry through the Führer's decree. Only if this decree had had to be carried out by my men, would it have been possible for me perhaps to circumvent the decree, and I would like to emphasize this point strongly.

SIR DAVID MAXWELL-FYFE: Well, that may be your view that you could not have got anywhere with the Führer; but I

suggested to you that when all these officers that I mentioned knew about it, you knew about it, and that you did nothing to prevent these men from being shot, but co-operated in this foul series of murders.

THE PRESIDENT: Sir David, are you passing from that now?

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: You are putting in evidence these two documents?

SIR DAVID MAXWELL-FYFE: I am putting them in. I put them to the witness. D-731 will be GB-278, and D-730 will be GB-279.

THE PRESIDENT: And should you not refer perhaps to the second paragraph in 731?

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: It shows that apparently, in the early hours of the 25th of March the matter was communicated to the office of the adjutant of the Reich Marshal—the second paragraph beginning with "the escape."

SIR DAVID MAXWELL-FYFE: Yes.

"The escape of about 30 to 40 prisoners, the exact number having to be ascertained by roll call, was reported by telephone from the Sagan Camp to the inspectorate in the early hours of the 25th of March, Saturday morning, and duly passed on in the same way by this office to the higher authorities which were to be informed in case of mass escapes. These were: 1.) the Office of the Adjutant of the Reich Marshal; 2.) the OKW, for directors of these prisoners of war; 3.) the Inspector General of Prisoners of War; and 4.) Director of Operations, Air Ministry."

I am much obliged. You must remember that the witness did not admit yesterday afternoon that the news of the escape had been given to the office of his adjutant.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I am much obliged to you.

GÖRING: The escape was communicated to us every time relatively quickly. I should now like to give my view of the statement made by you before that—it concerns assertions made by you—but I still maintain that I did not hear about this incident until after it had occurred.

SIR DAVID MAXWELL-FYFE: I have put my questions on the incident. I pass to another point. I want to ask you two or three questions about the evidence that you gave 2 days ago, dealing with the evidence of your own witness, Herr Dahlerus,

who made his first visit to London on the 25th of August 1939, after an interview and a telephone conversation with you on the 24th. I just want you to fix the date because it is sometimes difficult to remember what these dates are. At that time, you were anxious that he should persuade the British Government to arrange a meeting of plenipotentiaries who would deal with the questions of Danzig and the Corridor. Is that right?

GÖRING: That is correct.

SIR DAVID MAXWELL-FYFE: You knew perfectly well, did you not, that as far as the Führer was concerned, Danzig and the Corridor was not the real matter that was operating in his mind at all. Will you let me remind you what he said on the 23rd of May:

"Danzig is not the subject of the dispute at all; it is a question of expanding our living space in the East, of securing our food supplies, and of the settlement of the Baltic problem."

You knew that, didn't you?

GÖRING: I knew that he had said these things at that time, but I have already pointed out repeatedly that such discussions can only be assessed, if considered in conjunction with the whole political situation. At the moment of these negotiations with England, we were solely concerned with Danzig and the Corridor.

SIR DAVID MAXWELL-FYFE: Well, you say that despite what Hitler said on the 23rd of May, that at that moment Hitler was only concerned with Danzig and the Corridor? Do you say that seriously?

GÖRING: I maintain in all seriousness that, in the situation as it was at that time, this was really the case. Otherwise it would be impossible to understand any of Hitler's acts. You might just as well take his book *Mein Kampf* as a basis and explain all his acts by it.

SIR DAVID MAXWELL-FYFE: I am interested in the last week of August at the moment. I want you now just to remember two points on what you said, with regard to Dahlerus, during the morning of the 25th. Do you remember, you had a telephone conversation with him at 11:30 on the 24th? On the 25th, were you sufficiently in Hitler's confidence to know that he was going to proffer the *note verbale* to Sir Nevile Henderson, the British Ambassador, on the 25th? Did you know that?

GÖRING: Yes, of course.

SIR DAVID MAXWELL-FYFE: At that time, when you were sending Dahlerus, and the *note verbale* was being given to the British Ambassador, the arrangement and order was that you were going to attack Poland on the morning of the 26th, wasn't it?

GÖRING: There seems to be a disturbance on the line.

THE PRESIDENT: I think there is some mechanical difficulty. Perhaps it would be a good thing to adjourn for a few minutes.

[A recess was taken.]

SIR DAVID MAXWELL-FYFE: You told me, Witness, that the arangements to attack Poland on the morning of the 26th were changed on the evening of the 25th. Before I come to that, I will ask you one or two questions about that.

GÖRING: No, I did not say that.

SIR DAVID MAXWELL-FYFE: Wait a minute. I am sorry, but that is what I understood you to say.

GÖRING: No. I said explicitly that already on the 25th the attack for the morning of the 26th was cancelled. It is a technical and military impossibility to cancel a large-scale attack of a whole army the evening before an attack. The shortest time required would be from 24 hours to 48 hours.

I expressly mentioned that on the 25th the situation was clear.

SIR DAVID MAXWELL-FYFE: At the time, you had asked Dahlerus to go to England on the 24th. It was still the plan that the attack would take place on the 26th. Was not your object in sending Dahlerus to have the British Government discussing their next move when the attack took place, in order to make it more difficult for the British Government?

GÖRING: No, I want to emphasize that—and perhaps I should have the documents for the date—that when I sent Dahlerus at that time, and when at that moment Sir Nevile had been handed a note on behalf of the Führer, the attack for the 26th had been cancelled and postponed.

SIR DAVID MAXWELL-FYFE: Let me remind you of what you said yourself on the 29th of August:

> "On the day when England gave her official guarantee to Poland, it was 5:30 on 25 August, the Führer called me on the telephone and told me he had stopped the planned invasion of Poland. I asked him then whether it was just temporary or for good. He said, 'No, I will have to see whether we can eliminate British intervention.' I asked him, 'Do you think that it will be definite within 4 or 5 days?' "

Isn't that right?

GÖRING: That was what I said, but I did not say that this occurred on the 25th, but when the Führer was clear about the guarantee that was given. I emphasize that once more . . .

SIR DAVID MAXWELL-FYFE: That was what I was quoting to you. When the official guarantee was given, the treaty was signed at 5:30 on the evening of the 25th of August. I am putting your own words to you. It was after that that the Führer telephoned you and told you the invasion was off. Do you wish to withdraw your statement that it was after the official guarantee was given to Poland?

GÖRING: I emphasized once more—after we knew that the guarantee would be given. It must be clear to you too that if the signing took place at 5:30 p.m. on the 25th, the Führer could know about it only shortly afterwards. Not till then would the Führer have called a conference, and in that case an attack for the 26th could have been called off only during the night of the 25th to 26th. Every military expert must know that that is an absolute impossibility. I meant to say in my statement, "... when it was clear to the Führer that a guarantee was given."

I emphasize once more that I have not seen this record nor sworn to it.

SIR DAVID MAXWELL-FYFE: I admit that I do not know anything about that. I do not know whether you were still in Hitler's confidence at the time or not. But, wasn't it a fact that Signor Attolico came on the 25th and told Hitler that the Italian Army and Air Force were not ready for a campaign? Were you told that?

GÖRING: Yes, of course I was told that.

SIR DAVID MAXWELL-FYFE: That was why the orders for the attack were cancelled on the 26th, wasn't it?

GÖRING: No, that is absolutely wrong, because when the question of Italian assistance came up, the fact was that its value was doubted in many quarters. During the tension of the preceding days it became evident that the demands made by the Italians which could not be fulfilled by us were formulated in order to keep Italy out of the war. The Führer was convinced that England had only given such a clear-cut guarantee to Poland, because in the meantime the British Government had learned that it was not the intention of Italy to come into the war as a partner of the Axis.

SIR DAVID MAXWELL-FYFE: I will put to you your own account of what the Führer said. "I will have to see whether we can eliminate British intervention." Isn't it correct that you tried, through Mr. Dahlerus, in every way, to try and eliminate British intervention?

GÖRING: I have never denied that. It was my whole endeavor to avoid war with England. If it had been possible to avoid this

war by coming to an agreement with Poland, then that would have been accepted. If the war with England could have been avoided in spite of a war with Poland, then that was my task also. This is clear from the fact that, even after the Polish campaign had started on 1 September 1939 I still made every attempt to avoid a war with England and to keep the war from spreading.

SIR DAVID MAXWELL-FYFE: In other words, what you were trying to do from the 25th onwards was to get England to try and agree and help the Reich in the return of Danzig and the Polish Corridor, wasn't that right?

GÖRING: That, of course, is quite clearly expressed.

SIR DAVID MAXWELL-FYFE: Now, you remember the interview with Mr. Dahlerus. It was the interview in which you colored the portions on the map. I only want you to have it in your mind. If I say 11:30 on the 29th of August it will not mean anything to you. I want you to see it so that I can ask you one or two questions about it.

You remember, at that time, that you were upset at the interview which had taken place when Hitler handed Henderson the German reply, and there had been the remark about the ultimatum. Do you remember that?

GÖRING: Yes, of course I was upset, since that had suddenly completely disturbed my whole position.

SIR DAVID MAXWELL-FYFE: And is this correct? Mr. Dahlerus says on Page 72 of his book that you came out with a tirade, strong words against the Poles. Do you remember that he quotes you as saying: "Wir kennen die Polen"? Do you remember that?

GÖRING: Yes, of course. You must consider the situation at the time. I had heard about the excesses and I would not go and tell Dahlerus, a neutral, that I considered Germany wholly guilty and the Poles completely innocent. It is correct that I did say that, but it arose out of a situation.

SIR DAVID MAXWELL-FYFE: Are you still an admirer of Bismarck?

GÖRING: I admire Bismarck absolutely, but I have never said that I am a Bismarck.

SIR DAVID MAXWELL-FYFE: No, I am not suggesting that. I thought you might have in mind his remark about the Poles. Do you remember: "Haut doch die Polen, dass sie am Leben verzagen"? (Let us strike the Poles until they lose the courage to live.) Is that what was in your mind at the time?

GÖRING: No, I had no such thoughts, still less because for years I had genuinely sought friendship with Poland.

SIR DAVID MAXWELL-FYFE: You have been quite frank about your general intention, and I am not going to take time on it, but I just want to put one or two subsidiary points.

You remember the passage that I read from Mr. Dahlerus' book about the airplane and the sabotage, that he said that you had said to him, mentioning the Defendant Ribbentrop—you remember that passage? You have given your explanation and I just want to . . .

GÖRING: Yes, yes, I gave that explanation and I made it quite clear.

SIR DAVID MAXWELL-FYFE: Now, your explanation was that Herr Dahlerus was confusing your concern that his airplane should not be shot down in making his journey. That is putting your explanation fairly, isn't it? You are saying that Herr Dahlerus was confused. What you were saying was your concern that his airplane should not be shot down. Isn't that right? That is as I understood it.

GÖRING: No, I think I have expressed it very clearly. Would you like me to give it again? I will repeat it.

Dahlerus, who stood in the witness box here, used the words, "I must correct myself," when he was asked about Ribbentrop. I am quoting Dahlerus. He said, "I connected it with Ribbentrop, since shortly beforehand the name was mentioned in some other connection."

Thereupon I explained I was really anxious lest something might happen. I explained that very clearly and I need not repeat it.

SIR DAVID MAXWELL-FYFE: The question I put to you, Witness—I think we are agreed on it—was that your anxiety was about his plane, and the point that I want to make clear to you now is that that incident did not occur on this day when Dahlerus was preparing for his third visit, but occurred when he was in England and rang you up during his second visit. He rang you up on the evening of the 27th of August, and on Page 59 of his book he says:

> "Before leaving the Foreign Office, I telephoned Göring to confirm that I was leaving for Berlin by plane at 7:00 p.m. He seemed to think this was rather late. It would be dark and he was worried lest my plane be shot at by the British, or over German territory. He asked me to hold the line, and a minute later came back and gave me a concise description of the route the plane must follow over Germany to avoid being shot at. He also assured me that the anti-aircraft stations along our course would be informed that we were coming."

What I am suggesting to you is that your explanation is wrong, that you have confused it with this earlier incident of which Mr. Dahlerus speaks, and that Mr. Dahlerus is perfectly accurate when he speaks about the second incident which occurred 2 days later.

GÖRING: That is not at all contradictory. In regard to the first flight the position was that it was already dark, which means that the danger was considerably greater; and I again point out that, in connection with the second journey, preparedness for war in all countries had reached such a degree that flying was hazardous.

I emphasize once more that I had to correct Dahlerus when he was questioned by my counsel, that I did not tell him that Ribbentrop had planned an attack against him. I emphasize for the last time that Von Ribbentrop knew nothing about my negotiations with Dahlerus.

SIR DAVID MAXWELL-FYFE: Do you really say that? Do you remember that on the 29th of August—first of all, on the 28th of August, at 10:30 p.m., when Henderson and Hitler had an interview. That was before the difficulties arose. It was the interview when Hitler was considering direct negotiations with the Poles. He said, "We must summon Field Marshal Göring to discuss it with him." That is in our *Blue Book*, and as far as I know it has never been denied. You were summoned to the interview that Hitler and Ribbentrop were having with Sir Nevile Henderson.

GÖRING: No, I must interrupt you. The Führer said, "We will have to fetch him," but I was not fetched and that is not said in the *Blue Book* either.

SIR DAVID MAXWELL-FYFE: But according to Mr. Dahlerus, he says:

> "During our conversation Göring described how he had been summoned to Hitler immediately after Henderson's departure, how Hitler, Göring, and Ribbentrop had discussed the conference that had taken place with Henderson, and how satisfied all three of them were with the result. In this connection Hitler had turned to Ribbentrop and said mockingly, 'Do you still believe that Dahlerus is a British agent?' Somewhat acidly Ribbentrop replied that perhaps it was not the case."

You say that is not true, either?

GÖRING: Herr Dahlerus is describing the events without having been present. From that description, too, it becomes clear that I arrived after Henderson had already left. The description is a little colorful. Ribbentrop had no idea what I was negotiating with Dahlerus about, and the Führer did not inform him about these negotiations either. He merely knew that I used Dahlerus as a negotiator, and he was of course, opposed to him, because he, as Foreign Minister, was against any other channels being used.

SIR DAVID MAXWELL-FYFE: That was exactly the point, you know, that I put to you about 7 minutes ago, that Ribbentrop did

know you were using Dahlerus, with which you disagreed. You now agree that he knew you were using Dahlerus, so I will leave it.

GÖRING: No, I beg your pardon. I still say—please do not distort my words—that Ribbentrop did not know what I was negotiating with Dahlerus about, and that he had not even heard of it through the Führer.

SIR DAVID MAXWELL-FYFE: You said "distort my words." I especially did not say to you that he knew what you were negotiating about. I said to you that he knew you were using Dahlerus, and that, you agree, is right. I limited it to that, didn't I? And that is right, isn't it?

GÖRING: He did not know either that I was carrying on negotiations with England through Dahlerus at that time. He did not know about the flights either.

SIR DAVID MAXWELL-FYFE: Well now, I want you just to help me on one or two other matters.

You remember that in January of 1937, and in October of 1937, the German Government gave the strongest assurances as to the inviolability and neutrality of Belgium and Holland. Do you remember that?

GÖRING: I do not remember it in detail, but it has been mentioned here in Court.

SIR DAVID MAXWELL-FYFE: And do you remember that on the 25th of August 1938 the Air Staff put in a memorandum on the assumption that France and Great Britain—oh no, that France would declare war during the case of Fall Grün, and that Great Britain would come in? Do you remember that? It is Document Number 375-PS, Exhibit Number USA-84. I want you to have it generally in mind because I am going to put a passage to you.

GÖRING: May I ask whether the signature is Wolter? W-o-l-t-e-r?

SIR DAVID MAXWELL-FYFE: I shall let you know. Yes, that is right.

GÖRING: In that case I remember the document exactly. It has been given to me here.

SIR DAVID MAXWELL-FYFE: That is right. I only want to recall your recollection to one sentence:

> "Belgium and the Netherlands in German hands represent an extraordinary advantage in the prosecution of the air war against Great Britain as well as against France. Therefore, it is held to be essential to obtain the opinion of the Army as to

the conditions under which an occupation of this area could be carried out, and how long it would take."

Do you remember that? It is pretty obvious air strategy, but you remember it?

GÖRING: That is absolutely correct. That was the principal work of a captain of the General Staff, 5th Department, who, naturally, when making his report, must propound the best arguments.

SIR DAVID MAXWELL-FYFE: Then, after that, on the 28th of April 1939, you remember that Hitler said that he had given binding declarations to a number of states, and this applied to Holland and Belgium? I think that was the time when he made a speech in the Reichstag and mentioned a number of small states as well as that; but he said it included Holland and Belgium.

GÖRING: Yes. It has, of course been mentioned repeatedly here.

SIR DAVID MAXWELL-FYFE: Yes. Now, do you remember that on the 23rd of May, in the document that I have already put to you, at the meeting at the Reich Chancellery, Hitler said this: "The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored."

Do you remember his saying that?

GÖRING: It says so in the document, yes.

SIR DAVID MAXWELL-FYFE: And, on the 22d of August 1939, in the speech to the commanders-in-chief, which is Document Number 798-PS, Exhibit Number USA-29, he said:

"Another possibility is the violation of Dutch, Belgian, and Swiss neutrality. I have no doubt that all these states, as well as Scandinavia, will defend their neutrality by all available means. England and France will not violate the neutrality of these countries."

Do you remember his saying that?

GÖRING: You can see for yourself from those words how often the Führer changed his ideas, so that even the plan he had in May was not at all final.

SIR DAVID MAXWELL-FYFE: They are perfectly consistent in my estimation. He is saying that they must be occupied; that declarations of neutrality must be ignored, and he is emphasizing that by saying that England and France will not violate the neutrality, so it is perfectly easy for Germany to do it.

GÖRING: No, what he means to say is that we on our part would not find it necessary to do so either. I merely want to point out that political situations always turn out to be different, and that

at these interrogations and this Trial we must regard the political background of the world as a whole.

SIR DAVID MAXWELL-FYFE: That was on the 22d. You have agreed as to what was said. Immediately after that, on the 26th, 4 days later, Hitler gave another assurance. Do you remember that, just before the war he gave another assurance?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: And on the 6th of October, 1939, he gave a further assurance, and on the 7th of October, the day after that last assurance, the order, which is Document Number 2329-PS, Exhibit GB-105, was issued.

"Army Group B has to make all preparations according to special orders for immediate invasion of Dutch and Belgian territory, if the political situation so demands."

And on the 9th of October, there is a directive from Hitler:

"Preparations should be made for offensive action on the northern flank of the Western Front crossing the area of Luxembourg, Belgium, and Holland. This attack must be carried out as soon and as forcibly as possible."

Isn't it quite clear from that, that all along you knew, as Hitler stated on the 22d of August, that England and France would not violate the neutrality of the low countries, and you were prepared to violate them whenever it suited your strategical and tactical interests? Isn't that quite clear?

GÖRING: Not entirely. Only if the political situation made it necessary. And in the meantime the British air penetration of the neutrality of Holland and Belgium had taken place, up to October.

SIR DAVID MAXWELL-FYFE: You say not entirely. That is as near agreement with me as you are probably prepared to go.

Now I want to ask you quite shortly again about Yugoslavia. You remember that you have told us in your evidence in chief that Germany before the war, before the beginning of the war, had the very best relations with the Yugoslav people, and that you yourself had contributed to it. I am putting it quite shortly.

GÖRING: That is correct.

SIR DAVID MAXWELL-FYFE: And that was emphasized, if you will remember, on the first of June 1939 by a speech of Hitler at a dinner with Prince Paul.

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: Now, 80 days after that, on the 12th of August 1939, the Defendant Ribbentrop, Hitler, and Ciano

had a meeting, and just let me recall to you what Hitler said at that meeting to Count Ciano.

"Generally speaking . . ."

GÖRING: I beg your pardon, what is the number of the document?

SIR DAVID MAXWELL-FYFE: I am sorry, it was my fault—Document Number TC-77, Exhibit Number GB-48. It is the memorandum of a conversation between Hitler, Ribbentrop, and Ciano at Obersalzberg on the 12th of August.

GÖRING: I merely wanted to know if this was from Ciano's diary? That is important for me.

SIR DAVID MAXWELL-FYFE: Oh no, not from Ciano's diary, it is a memorandum. This is the official report.

> "Generally speaking, the best thing to happen would be for uncertain neutrals to be liquidated one after the other. This process could be carried out more easily if on every occasion one partner of the Axis covered the other while it was dealing with an uncertain neutral. Italy might well regard Yugoslavia as a neutral of this kind."

That was rather inconsistent with your statement as to the good intentions towards Yugoslavia, and the Führer's statement to Prince Paul, wasn't it?

GÖRING: I should like to read that through carefully once more and see in what connection that statement was made. As it is presented now it certainly would not fit in with that.

SIR DAVID MAXWELL-FYFE: You know I do not want to stop you unnecessarily in any way, but that document has been read at least twice during the Trial and any further matter perhaps you will consider. But you will agree, unless I have wrenched it out of its context—and I hope I have not—that is quite inconsistent with friendly intentions, is it not?

GÖRING: As I said, it does not fit in with that.

SIR DAVID MAXWELL-FYFE: Now, it was 56 days after that, on the 6th of October, Hitler gave an assurance to Yugoslavia and he said:

> "Immediately after the completion of the Anschluss I informed Yugoslavia that from now on the frontier with this country would also be an unalterable one and that we only desired to live in peace and friendship with her."

And then again in March 1941, on the entry of the Tripartite Pact, the German Government announced that it confirmed its determination to respect the sovereignty and territorial integrity of Yugoslavia at all times.

Now, after that of course, as I have always said when you dealt with this, there was the Simovic Putsch in Yugoslavia. But I think you said quite frankly in your evidence, that Hitler and yourself never took the trouble, or thought of taking the trouble, of inquiring whether the Simovic Government would preserve its neutrality or not. That is right, is it not?

GÖRING: I did not say that. We were convinced that they were using these declarations to mislead. We knew that this Putsch was first of all directed from Moscow, and, as we learned later, that it had been financially supported to a considerable extent by Britain. From that we recognized the hostile intentions as shown by the mobilization of the Yugoslav Army, which made the matter quite clear, and we did not want to be deceived by the Simovic declarations.

SIR DAVID MAXWELL-FYFE: Well, I would like to say one word about the mobilization in a moment. But on the 27th of March, that was 2 days after the signing of the pact I have just referred to, there was a conference in Berlin of Hitler with the German High Command, at which you were present, and do you remember the Führer saying:

> "The Führer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations to destroy Yugoslavia militarily and as a national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav Government, which cannot be trusted anyhow in the future, will be taken note of. The attack will start as soon as means and troops suitable for it are ready. Politically it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and that the military destruction is effected in a lightning-like undertaking. The plan is on the assumption that we speed up schedules of all preparations and use such strong forces that the Yugoslav collapse will take place within the shortest possible time."

It was not a very friendly intention toward Yugoslavia to have no diplomatic negotiations, not give them the chance of assurance or coming to terms with you, and to strike with unmerciful harshness, was it?

GÖRING: I have just said that after the Simovic Putsch the situation was completely clear to us, and declarations of neutrality on the part of Yugoslavia could be regarded as only camouflage and deception in order to gain time. After the Putsch, Yugoslavia definitely formed part of the enemy front, and it was therefore for us also to carry out deceptive moves and attack as quickly as possible, since our forces at that time were relatively weak.

SIR DAVID MAXWELL-FYFE: You realized, of course, that you said that General Simovic was inspired by Moscow. I am not going to argue that point with you at all. But I do point out to you that this was 3 months before you were at war with the Soviet Union. You realize that, do you?

GÖRING: Yes, that is correct. It was precisely the Simovic Putsch which removed the Führer's last doubts that Russia's attitude towards Germany had become hostile. This Putsch was the very reason which caused him to decide to take quickest possible counter measures against this danger. Secondly . . .

SIR DAVID MAXWELL-FYFE: Just one moment. Do you know that it appears in the documents quite clearly, that the attack on the Soviet Union was postponed for 6 weeks because of this trouble in the Balkans? That is quite inconsistent with what you are saying now, isn't it?

GÖRING: No. If you will read again my statement on that point, you will see I said that a number of moves on the part of Russia caused the Führer to order preparations for invasion, but that he still withheld the final decision on invasion, and that after the Simovic Putsch this decision was made. From the strategic situation it follows that the military execution of this political decision was delayed by the Yugoslavian campaign.

SIR DAVID MAXWELL-FYFE: I want to ask you one other point about Yugoslavia.

You remember your evidence that the attack on Belgrade was due to the fact that the war office and a number of other important military organizations were located there. I am trying to summarize it, but that was the effect of your evidence, was it not?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: Now, do you remember how it was put in Hitler's order which I have just been reading to you:

"The main task of the Air Force is to start as early as possible with the destruction of the Yugoslavian Air Force ground installations . . ."

Now, I ask you to note the next word "and":

". . . and to destroy the capital of Belgrade in attacks by waves. Besides the Air Force has to support the Army."

I put it to you that that order makes it clear that the attack on Belgrade was just another of your exhibitions of terror attacks in order to attempt to subdue a population that would have difficulty in resisting them.

GÖRING: No, that is not correct. The population of Belgrade did defend itself. Belgrade was far more a center of military

installations than the capital of any other country; and I would like to draw your attention to this.

SIR DAVID MAXWELL-FYFE: Well, now, I am going to pass from that matter to one or two points on which you gave evidence—I think at the instance of counsel for the organizations. You remember you gave evidence in answer to Dr. Babel about the Waffen-SS? Do you remember that—a few days ago?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: I would just like you to look at a document which has not got a number, but it is the Führer's ideas about the Waffen-SS, and to see if you agree. It is Document Number D-665, and it will be Exhibit Number GB-280. It is a document from the High Command of the Army, General Staff of the Army—statements of the Führer regarding the future state military police—and the covering letter of the document says, "After the Führer's proposals for the Waffen-SS had been passed on, doubts arose as to whether it was intended that they should be given wider distribution." If you will pass to the documents, perhaps you will follow it while I read it. I do not think it has been introduced before:

"On 6 August 1940 when the order for the organization of the Leibstandarte Adolf Hitler"—Adolf Hitler Bodyguard—"was issued, the Führer stated the principles regarding the necessity for the Waffen-SS as summed up below:

"The Greater German Reich in its final form will not include within its frontiers only those national groups which from the very beginning will be well disposed towards the Reich. It is therefore necessary to maintain outside the Reich proper a state military police capable in any situation of representing and imposing the authority of the Reich.

"This task can be carried out only by a state police composed of men of best German blood and wholeheartedly pledged to the ideology on which the Greater German Reich is founded. Only such a formation will resist subversive influences, even in critical times. Such a formation, proud of its purity, will never fraternize with the proletariat and with the underworld which undermines the fundamental idea. In our future Greater German Reich, a police corps will have the necessary authority over the other members of the community only if it is trained along military lines. Our people are so military-minded as a result of glorious achievements in war and training by the National Socialist Party that a 'sock-knitting' police, as in 1848, or a bureaucratic police, as in 1918, would no longer have any authority.

"It is therefore necessary that this state police proves its worth and sacrifices its blood at the front, in close formations, in the same way as every unit of the armed forces. Having returned home, after having proved themselves in the field in the ranks of the Army, the units of the Waffen-SS will possess the authority to execute their tasks as state police.

"This employment of the Waffen-SS for internal purposes is just as much in the interests of the Wehrmacht itself. We must never again allow the conscripted German Wehrmacht to be used against its fellow countrymen, weapon in hand, in critical situations at home. Such action is the beginning of the end. A state which has to resort to such methods is no longer in a position to use its armed forces against an enemy from without, and thereby gives itself up.

"There are deplorable examples of this in our history. In future the Wehrmacht is to be used solely against the foreign enemies of the Reich.

"In order to ensure that the men in the units of the Waffen-SS are always of high quality, the recruitment into the units must be limited. The Führer's idea of this limitation is that the units of the Waffen-SS should generally not exceed 5 to 10 percent of the peacetime strength of the Army."

Do you agree with that? Is that a correct description of the purpose of the Waffen-SS?

GÖRING: I am absolutely convinced that he did say that, but that does not contradict my statement.

SIR DAVID MAXWELL-FYFE: Now, I just want you, while we are on the SS, to look at a note which is Document D-729 and will be Exhibit Number GB-281. It is on the conversation between you and the Duce in the Palazzo Venezia on 23 October 1942. At that time you were still in good odor with the Führer and still retained your power; is that right?

I will read it: It is Page 35, Paragraph 1.

"The Reich Marshal then described Germany's method in fighting the partisans. To begin with, all livestock and foodstuffs were taken away from the areas concerned, so as to deny the partisans all sources of supply."

GÖRING: Just a second please. Where is this?

SIR DAVID MAXWELL-FYFE: It is Page 35, Paragraph 1, but I will find it for you if you have any difficulty. I think it is marked, and it begins "The Reich Marshal..." Can you find it?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: I will start again if I may.

"The Reich Marshal then described Germany's method in fighting the partisans. To begin with, all livestock and foodstuffs were taken away from the areas concerned, so as to deny the partisans all sources of supply. Men and women were taken away to labor camps, the children to children's camps, and the villages burned down. It was by the use of these methods that the railways in the vast wooded areas of Bialowiza had been safeguarded. Whenever attacks occurred, the entire male population of the villages were lined up on one side and the women on the other. The women were told that all the men would be shot, unless they—the women—pointed out which men did not belong to the village. In order to save their men, the women always pointed out the nonresidents. Germany had found that, generally speaking, it was not easy to get soldiers to carry out such measures. Members of the Party discharged this task much more harshly and efficiently. For the same reason armies trained ideologically, such as the German—or the Russian—fought better than others. The SS, the nucleus of the old Party fighters, who have personal ties with the Führer and who form a special elite, confirm this principle."

Now, is that a correct description?

GÖRING: Yes, certainly.

SIR DAVID MAXWELL-FYFE: And this expresses correctly your views on how war against partisans should be carried out?

GÖRING: I have transmitted this.

Just a second, please. May I ask what the number of this document is?

SIR DAVID MAXWELL-FYFE: Yes, I will give it again: Document Number D-729, and it becomes Exhibit Number GB-281.

Now, I just want you to help me on one other matter on these organizations. You will remember that in answer, I think, to Dr. Servatius, you made some remarks about the Leadership Corps. Do you remember that? I just want you to have them in mind.

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: Now, will you look at the document which will be presented to you, Document Number D-728, Exhibit Number GB-282. This is a document from the Office of the Gau Leadership for Hessen-Nassau. I am sorry; there is a reference to an order of the Party Chancellery dated 10 February 1945, its subject is, "Action by the Party to be taken for keeping the German population in check until the end of the war." It is signed by Sprenger, Gauleiter and Commissioner for Reich Defense.

GÖRING: The date is 15 March 1945, is that right?

SIR DAVID MAXWELL-FYFE: I am grateful to you. I knew it was just after 10 March. I have not got it in my copy, but if you say it, I will take it.

GÖRING: 1945.

SIR DAVID MAXWELL-FYFE: Yes.

[Sir David Maxwell-Fyfe then read from the document excerpts which were withdrawn and stricken from the record on 16 August 1946.]

DR. STAHMER: I must object to the use of this document, since I cannot recognize that it is genuine. I have not yet seen the original, and the doubts as to its being genuine are due to the fact that expressions are used which are most unusual in the German language.

GÖRING: I was going to raise the same objection. It is not an original as it says at the top, "copy," and there is no original signature, but only the typewritten words "Sprenger, Gauleiter" at the bottom.

DR. STAHMER: For instance the expression "Gerichtlichkeiten" is used. This is an expression completely unusual and unknown in the German language, and I cannot imagine that an official document originating from a Gauleiter could contain such a word.

GÖRING: I can draw your attention to yet another point showing that this is evidently not an original document. If there had been an increase in meat or fat rations, I would have heard something about it. Not a single word of these two documents is known to me. It does not bear a rubber stamp either, the whole thing is typewritten, including the signatures. Therefore, I cannot accept this document.

SIR DAVID MAXWELL-FYFE: This is a file copy which, to the best of my knowledge, was captured at the office of the Gau Leader. It was sent to us by the British Army of the Rhine. I shall make inquiries about it, but it purports to be a file copy and I have put the original document which we have, which is a file copy, to the witness.

THE PRESIDENT: Dr. Stahmer, I have the original document in my hands now, together with the certificate of an officer of the British Army stating that the document was delivered to him in the above capacity, in the ordinary course of official business, as the original of a document found in German records of files captured by military forces under the command of the Supreme Commander. Under these circumstances it is in exactly the same position as all the other captured documents. The defense, of course, can bring

any evidence which it thinks right, to criticize the authenticity of the document. The document stands on exactly the same footing as the other captured documents, subject to any criticism to support which you may be able to bring evidence.

SIR DAVID MAXWELL-FYFE: Witness, I want you to deal with the sentence in paragraph 6.

Now, this paragraph is certainly directed to all administrative levels down to the Kreisleiter, county leaders of the Nazi Party, and it assumes they knew all about the running of concentration camps. Are you telling the Tribunal that you, who up to 1943 were the second man in the Reich, knew nothing about concentration camps?

GÖRING: First of all, I want to say once more that I do not accept this document, and that its whole wording is unknown to me, and that this paragraph appears unusual to me. I did not know anything about what took place and what methods were used in the concentration camps later, when I was no longer in charge.

SIR DAVID MAXWELL-FYFE: Let me remind you of the evidence that has been given before this Court, that as far as Auschwitz alone is concerned, 4,000,000 people were exterminated. Do you remember that?

GÖRING: This I have heard as a statement here, but I consider it in no way proved—that figure, I mean.

SIR DAVID MAXWELL-FYFE: If you do not consider it proved, let me remind you of the affidavit of Hoettl, who was Deputy Group Leader of the Foreign Section, of the Security Section of Amt IV of the RSHA. He says that approximately 4,000,000 Jews have been killed in the concentration camps, while an additional 2,000,000 met death in other ways. Assume that these figures—one is a Russian figure, the other a German—assume they are even 50 percent correct, assume it was 2,000,000 and 1,000,000, are you telling this Tribunal that a Minister with your power in the Reich could remain ignorant that that was going on?

GÖRING: This I maintain, and the reason for this is that these things were kept secret from me. I might add that in my opinion not even the Führer knew the extent of what was going on.

This is also explained by the fact that Himmler kept all these matters very secret. We were never given figures or any other details.

SIR DAVID MAXWELL-FYFE: But, Witness, haven't you access to the foreign press, the press department in your ministry, to foreign broadcasts? You see, there is evidence that altogether, when you take the Jews and other people, something like 10,000,000 people have been done to death in cold blood, apart from those killed in

battle. Something like 10,000,000 people. Do you say that you never saw or heard from the foreign press, in broadcasts, that this was going on?

GÖRING: First of all, the figure 10,000,000 is not established in any way. Secondly, throughout the war I did not read the foreign press, because I considered it nothing but propaganda. Thirdly, though I had the right to listen to foreign broadcasts, I never did so, simply because I did not want to listen to propaganda. Neither did I listen to home propaganda.

Only during the last 4 days of the war did I—and this I could prove—listen to a foreign broadcasting station for the first time.

SIR DAVID MAXWELL-FYFE: You told Mr. Justice Jackson yesterday that there were various representatives in Eastern territories, and you have seen the films of the concentration camps, haven't you, since this Trial started? You knew that there were millions of garments, millions of shoes, 20,952 kilograms of gold wedding rings, 35 wagons of furs—all that stuff which these people who were exterminated at Maidanek or Auschwitz left behind them. Did nobody ever tell you, under the development of the Four Year Plan, or anyone else, that they were getting all these amounts of human material? Do you remember we heard from the Polish Jewish gentleman, who gave evidence, that all he got back from his family, of his wife and mother and daughter, I think, were their identity cards? His work was to gather up clothes. He told us that so thorough were the henchmen of your friend Himmler that it took 5 minutes extra to kill the women because they had to have their hair cut off as it was to be used for making mattresses. Was nothing ever told you about this accretion to German material, which came from the effects of these people who were murdered?

GÖRING: No, and how can you imagine this? I was laying down the broad outlines for the German economy, and that certainly did not include the manufacture of mattresses from women's hair or the utilization of old shoes and clothes. I leave the figure open. But, also I do want to object to your reference to my "friend Himmler."

SIR DAVID MAXWELL-FYFE: Well, I will say, "your enemy Himmler," or simply "Himmler" whichever you like. You know whom I mean, don't you?

GÖRING: Yes, indeed.

SIR DAVID MAXWELL-FYFE: Now, I just want to remind you of one other point: Exhibit Number USA-228, Document Number 407(V)-PS, " . . . I have the honor to report to you that it was possible to add 3,638,056 new foreign workers to the German war economy between April 1st of last year and March 31st of this year. . . . In

addition to the foreign civilian workers 1,622,929 prisoners of war are employed in the German economy." Now, just listen to this, "out of the 5,000,000 foreign workers who have arrived in Germany, not even 200,000 came voluntarily." That is from the minutes of the Central Planning Board on the 1st of March. Do you say that you, in your position in the State and as the great architect of German economy, did not know that you were getting for your economy 4,800,000 foreign workers who were forced to come? Do you tell the Tribunal that?

GÖRING: I never told the Tribunal that. I said that I knew quite well that these workers were brought in and not always voluntarily, but whether the figure of 200,000 is correct, that I do not know, and I do not believe it either. The number of volunteers was greater, but this does not alter the fact that workers were forced to come to the Reich. That I have never denied, and have even admitted it.

SIR DAVID MAXWELL-FYFE: You admit—and I want to put it quite fairly—that a large number of workers were forced to come to the Reich and work there?

GÖRING: Yes, certainly.

THE PRESIDENT: Sir David, would you like to adjourn now?

SIR DAVID MAXWELL-FYFE: Yes, sir.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

SIR DAVID MAXWELL-FYFE: Do you remember what you said about the relations between you and the Führer? May I repeat your words:

"The chief influence on the Führer, if I may mention influence on the Führer at all, was up to the end of 1941 or the beginning of 1942, and that influence was I. Then my influence gradually decreased until 1943, and from 1943 on it decreased speedily. All in all, apart from myself I do not believe anyone else had anywhere near the influence on the Führer that I had."

That is your view on that matter?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: I think you told the Tribunal that right up to the end your loyalty to the Führer was unshaken, is that right?

GÖRING: That is correct.

SIR DAVID MAXWELL-FYFE: Do you still seek to justify and glorify Hitler after he had ordered the murder of these 50 young flying officers at Stalag Luft Number III?

GÖRING: I am here neither to justify the Führer Adolf Hitler nor to glorify him. I am here only to emphasize that I remained faithful to him, for I believe in keeping one's oath not in good times only, but also in bad times when it is much more difficult.

As to your reference to the 50 airmen, I never opposed the Führer so clearly and strongly as in this matter, and I gave him my views about it. After that no conversation between the Führer and myself took place for months.

SIR DAVID MAXWELL-FYFE: The Führer, at any rate, must have had full knowledge of what was happening with regard to concentration camps, the treatment of the Jews, and the treatment of the workers, must he not?

GÖRING: I already mentioned it as my opinion that the Führer did not know about details in concentration camps, about atrocities as described here. As far as I know him, I do not believe he was informed. But insofar as he . . .

SIR DAVID MAXWELL-FYFE: I am not asking about details; I am asking about the murder of four or five million people. Are you suggesting that nobody in power in Germany, except Himmler and perhaps Kaltenbrunner, knew about that?

GÖRING: I am still of the opinion that the Führer did not know about these figures.

SIR DAVID MAXWELL-FYFE: Now, you remember how Mr. Dahlerus described the relations between you and Hitler on Page 53 of his book:

"From the very beginning of our conversation, I resented his manner towards Göring, his most intimate friend and comrade from the years of struggle. His desire to dominate was explicable, but to require such obsequious humility as Göring now exhibited, from his closest collaborator, seemed to me abhorrent and unprepossessing."

Is that how you had to behave with Hitler?

GÖRING: I did not have to behave in that way, and I did not behave in that way. Those are journalistic statements by Dahlerus, made after the war. If Germany had won the war, this description would certainly have been very different.

SIR DAVID MAXWELL-FYFE: Mr. Dahlerus was your witness, though.

GÖRING: Mr. Dahlerus was not asked to give a journalistic account. He was solely questioned about the matters with which he, as courier between myself and the British Government, had to deal.

SIR DAVID MAXWELL-FYFE: My Lord, on Tuesday of last week, the defendant called General Bodenschatz, who gave general evidence as to his character and reputation. He, therefore, in my respectful submission, makes me entitled to put one document to him which is an account by the Defendant Raeder of his general character and reputation. In accordance with the English practice, I make my submission and ask the Court's permission to put it in.

DR. STAHMER: I object to the reading of this document. It would be considerably easier to question Admiral Raeder, as witness, on his statements, since he is here with us. Then we shall be able to determine in cross-examination whether and to what extent he still maintains this alleged statement.

SIR DAVID MAXWELL-FYFE: I have to put it in cross-examination to give the defendant the chance of answering it. The Defendant Raeder can give his explanations when he comes into the witness box.

THE PRESIDENT: The Tribunal would like to look at the document before it is put in.

SIR DAVID MAXWELL-FYFE: That is the English translation. I will show Dr. Stahmer the German.

DR. STAHMER: Mr. President, I should like to point out, that the document bears no date and we do not know when and where it was drawn up.

SIR DAVID MAXWELL-FYFE: It is signed by the Defendant Raeder.

DR. STAHMER: When and where was it drawn up? The signature of Raeder is unknown to me.

SIR DAVID MAXWELL-FYFE: The date is in Raeder's handwriting as is the signature; the 27th of July, I think it is 1945. Each page of the document is signed by the Defendant Raeder.

THE PRESIDENT: Sir David, you said the defendant has put his character in issue through Bodenschatz?

SIR DAVID MAXWELL-FYFE: Your Lordship will remember he was asked by Doctor Stahmer: "Will you now tell me about the defendant's social relations?" And then he proceeded to give an account of his character and his kindness and other qualities at that time; and I notice that Doctor Stahmer has just included as an exhibit still further evidence as to character in the form of a statement by one Hermann Winter.

THE PRESIDENT: Would it not have been appropriate, if the document was to have been put in evidence, to have put it to Bodenschatz, who was giving the evidence?

SIR DAVID MAXWELL-FYFE: But, My Lord, the rule is that if the defendant puts his character in issue, he is entitled to be cross-examined on his character and his general reputation, and of course it is permissible to call a witness to speak as to his general reputation.

DR. STAHMER: May I make the following remark? I did not call Bodenschatz, neither did I question him as witness for Göring's character. I questioned him about certain facts and happenings from which Bodenschatz subsequently drew certain conclusions. In my opinion, all these questions should have been put to Bodenschatz when he was here. These statements could then have been used to prove that it was Bodenschatz who was not telling the truth, not that Göring had told an untruth. To prove this the document should have been used during Bodenschatz's interrogation. Then we would have been able to question Bodenschatz about it too.

SIR DAVID MAXWELL-FYFE: He may prefer that Bodenschatz be brought back and it be put to him, but I think I am entitled to put it to the defendant who called for the evidence as to his character and reputation.

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: The Tribunal rules that at the present stage, this document cannot be used in cross-examination.

SIR DAVID MAXWELL-FYFE: If Your Honor please, I understand that Your Lordship leaves open the question for further argument, whether it can be used for the Defendant Raeder in the witness box.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I am much obliged.

[Turning to the witness.] Now, Witness, you said before the Tribunal adjourned, that Hitler, in your opinion, did not know about—broadly—or was ignorant about, the question of concentration camps and the Jews. I would like you to look at Document Number D-736. That is an account of a discussion between the Führer and the Hungarian Regent Horthy on the 17th of April 1943, and if you would look at Page 4, you will see the passage just after "Nuremberg and Fürth."

GÖRING: Just a moment. I should like to read through it very quickly to determine its authenticity.

SIR DAVID MAXWELL-FYFE: Certainly.

GÖRING: Page 4.

SIR DAVID MAXWELL-FYFE: Page 4—Exhibit Number GB-283. You see, after the mention of Nuremberg and Fürth, Hitler goes on:

> "The Jews did not even possess organizational value. In spite of the fears which he, the Führer, had heard repeatedly in Germany, everything continued to go its normal way without the Jews. Where the Jews were left to themselves, as for instance in Poland, the most terrible misery and decay prevailed. They are just pure parasites. In Poland, this state of affairs had been fundamentally cleared up. If the Jews there did not want to work, they were shot. If they could not work, they had to perish. They had to be treated like tuberculosis bacilli, with which a healthy body may become infected. This was not cruel—if one remembers that even innocent creatures of nature, such as hares and deer, have to be killed so that no harm is caused by them. Why should the beasts who wanted to bring us Bolshevism be more preserved? Nations which do not rid themselves of Jews perish. One of the most famous examples is the downfall of that people who were once so proud, the Persians, who now lead a pitiful existence as Armenians."

And would you look at Exhibit USSR-170, Document Number USSR-170, which is a conference which you had on the 6th of August 1942.

THE PRESIDENT: Before you pass from this document, is there not a passage higher up that is important? It is about 10 lines down, I think, in the middle of the line . . .

SIR DAVID MAXWELL-FYFE: Your Honor is correct.

"To Admiral Horthy's counterquestion as to what he should do with the Jews, now that they had been deprived of almost all possibility of earning their livelihood—he could not kill them off—the Reich Minister of Foreign Affairs declared that the Jews should be exterminated or taken to concentration camps. There was no other possibility."

GÖRING: I do not know this document.

SIR DAVID MAXWELL-FYFE: Now, this is a conference which you had with a number of people, and on Page 143, if you will turn to it, you get on to the question of butter. If you will look where it says: "Reich Marshal Göring: How much butter do you deliver? 30,000 tons?"

Do you see that?

GÖRING: Yes.

SIR DAVID MAXWELL-FYFE: And then Lohse, who is in the conference, says, "Yes," and you say, "Do you also deliver to Wehrmacht units?" and then Lohse says, "I can answer that too. There are only a few Jews left alive. Tens of thousands have been disposed of, but I can tell you that the civilian population gets, on your orders, 15 percent less than the Germans." I call your attention to the statement that "there are only a few Jews left alive, tens of thousands have been disposed of." Do you still say, in the face of these two documents, that neither Hitler nor yourself knew that the Jews were being exterminated?

GÖRING: I beg that the remarks be rightly read. They are quite incorrectly reproduced. May I read the original text? "Lohse:"—thus not my remark, but the remark of Lohse—"I can also answer that. The Jews are left only in small numbers. Thousands have gone." It does not say here that they were destroyed. From this remark you cannot conclude that they were killed. It could also mean that they had gone away—they were removed. There is nothing here . . .

SIR DAVID MAXWELL-FYFE: About the preceding remark, I suggest that you make quite clear what you meant by "there are only a few Jews left alive, whereas tens of thousands have been disposed of."

GÖRING: They were "still living there." That is how you should understand that.

SIR DAVID MAXWELL-FYFE: You heard what I read to you about Hitler, what he said to Horthy and what Ribbentrop said, that the Jews must be exterminated or taken to concentration camps. Hitler said the Jews must either work or be shot. That was in April 1943. Do you still say that neither Hitler nor you knew of this policy to exterminate the Jews?

GÖRING: For the correctness of the document . . .

SIR DAVID MAXWELL-FYFE: Will you please answer my question. Do you still say neither Hitler nor you knew of the policy to exterminate the Jews?

GÖRING: As far as Hitler is concerned, I have said I do not think so. As far as I am concerned, I have said that I did not know, even approximately, to what extent these things were taking place.

SIR DAVID MAXWELL-FYFE: You did not know to what degree, but you knew there was a policy that aimed at the extermination of the Jews?

GÖRING: No, a policy of emigration, not liquidation of the Jews. I knew only that there had been isolated cases of such perpetrations.

SIR DAVID MAXWELL-FYFE: Thank you.

GEN. RUDENKO: If I understand you, Defendant Göring, you said that all the basic decisions concerning foreign, political, and military matters were taken by Hitler alone? Do I understand you rightly?

GÖRING: Yes, certainly. After all, he was the Führer.

GEN. RUDENKO: Am I to understand that Hitler took these decisions without listening to the opinions of the experts who studied the questions, and the intelligence reports on those matters?

GÖRING: It depended upon the circumstances. In certain cases he would ask for data to be submitted to him, without the experts knowing the exact reason. In other cases, he would explain to his advisers what he intended to do, and get from them the data and their opinion. Final decisions he took himself as Supreme Commander.

GEN. RUDENKO: In that case, do I understand you correctly when you say that when making important decisions, Hitler used the analysis and material given to him by his close collaborators, who advised him according to their speciality. Is that correct?

GÖRING: Given to him partly by his collaborators, partly as in the case of communication and intelligence, by other members of the departments concerned.

GEN. RUDENKO: Will you tell me then, who was the closest collaborator of Hitler as far as the Air Force was concerned?

GÖRING: I was, of course.

GEN. RUDENKO: And on the questions of economics?

GÖRING: In economic matters, it was also I.

GEN. RUDENKO: And on political matters?

GÖRING: It depended on what question came up for discussion, and on whether the Führer had consulted anybody or asked his opinion.

GEN. RUDENKO: Can you tell me, who were these collaborators and associates?

GÖRING: The close collaborators of the Führer as I said before were first I, myself. Another close associate—perhaps it is the wrong word—with whom he perhaps spoke more than with others was Dr. Goebbels. Then, of course, you must consider the different periods. It varied during the 20 years; towards the end, it was Bormann first and foremost. During the years 1933 and 1934, until shortly before the end, it was Himmler also, when certain questions were dealt with. And if the Führer was dealing with certain other specific questions, then he would, of course, as is the custom in every government, consult the person who knew most about the question and obtain the information from him.

GEN. RUDENKO: Can you also name which of his collaborators were associated with him in the field of foreign politics?

GÖRING: As far as foreign policy was concerned, Hitler only consulted his colleagues more on the, so to speak, purely technical side. The most important and far-reaching political decisions were taken by himself, and he then announced them to his collaborators and colleagues as ready-made conceptions. Only very few people were allowed to discuss them, myself for instance; and the technical execution of his decisions in the field of foreign policy, when it came to framing the diplomatic notes, was done by the Foreign Office and its minister.

GEN. RUDENKO: The Defendant Ribbentrop?

GÖRING: Yes, naturally, he was the foreign minister concerned, but he did not make foreign policy.

GEN. RUDENKO: And on questions of strategy, who advised Hitler?

GÖRING: There were several people. On purely departmental matters of strategic importance it was the three commanders-in-chief and their chiefs of general staff, and to some extent, the Supreme General Staff which was immediately attached to the Führer.

GEN. RUDENKO: Which of the defendants can be placed in the category of such consultants?

GÖRING: If he was asked by the Führer, then the adviser on strategic matters was the Chief of the Operations Staff, General Jodl; and as far as military administrative questions were concerned, the commanders-in-chief, that is myself, Admiral Raeder, and later Admiral Dönitz for the Navy. The other representatives of the Army did not take part.

GEN. RUDENKO: The next question. If we approach the subject, not theoretically but functionally, could we conclude that any recommendations which Hitler's leading associates might make, would have had any considerable influence on Hitler's final decisions?

GÖRING: If I disregard the purely formal point of view and presumably you are referring to the military sphere, then the position was...

GEN. RUDENKO: No, I mean all spheres. All aspects of questions such as economic questions, home policy, foreign policy, military, and strategic questions. I mean, if we approach the subject, not theoretically but functionally, did their recommendations have any considerable influence on Hitler's final decisions? That is what I mean.

GÖRING: To a certain extent, yes. Their rejection depended on whether or not they appeared right to the Führer.

GEN. RUDENKO: You said to a certain extent, did you not?

GÖRING: Yes, of course, if a reasonable proposal was made, and he considered it to be reasonable, then he certainly made use of it.

GEN. RUDENKO: I should like to stress that all these consultants must have been closely associated with Hitler. Therefore, they had a certain influence on Hitler's final decision. They did not stand quite aloof, did they?

GÖRING: They did not stand aloof. Their influence was only effective to the extent that their convictions concurred with those of the Führer.

GEN. RUDENKO: That is clear. Let us now pass to the next set of questions.

When exactly did you start the working out of the plan of action for the use of the German Luftwaffe against the Soviet Union in connection with Case Barbarossa?

GÖRING: The deployment of the Luftwaffe for Case Barbarossa was worked out by my general staff, after the first directive of the Führer's, that is, after the November directive.

GEN. RUDENKO: In 1940?

GÖRING: In 1940. But I would add that I had already considered making preparations not only in anticipation of a possible threat

from Russia, but from all those countries which were not already involved in the war, but which might eventually be drawn in.

GEN. RUDENKO: All right. It was in November 1940, when Germany was preparing to attack Russia? Plans were already being prepared for this attack with your participation?

GÖRING: The other day I explained exactly, that at the time a plan for dealing with the political situation and the potential threat from Russia had been worked out.

GEN. RUDENKO: I ask you to reply to this question briefly, "yes" or "no." I think it is possible to reply to the question briefly.

Once more I say, in November 1940, more than half a year before the attack on the Soviet Union, plans were already prepared, with your participation, for the attack on the Soviet Union. Can you reply to this briefly?

GÖRING: Yes, but not in the sense in which you are presenting it.

GEN. RUDENKO: It seems to me that I have put the question quite clearly, and there is no ambiguity here at all. How much time did it take to prepare Case Barbarossa?

GÖRING: In which sector, air, land, or sea?

GEN. RUDENKO: If you are acquainted with all phases of the plan, that is concerning the Air Force, the Army and the Navy, then I would like you to answer for all phases of Case Barbarossa.

GÖRING: Generally speaking, I can only answer for the air, where it took a comparatively short time.

GEN. RUDENKO: If you please, just how long did it take to prepare Case Barbarossa?

GÖRING: After so many years I cannot give you the exact time without referring to the documents, but I answered your question when I told you that as far as the Air Force was concerned, it took a comparatively short time; as for the Army, it probably took longer.

GEN. RUDENKO: Thus, you admit that the attack on the Soviet Union was planned several months in advance of the attack itself, and that you, as chief of German Air Force and Reich Marshal, participated directly in the preparation of the attack.

GÖRING: May I divide your numerous questions. Firstly, that was not several months . . .

GEN. RUDENKO: There were not too many questions asked at once. It was only one question. You have admitted that in November 1940 Case Barbarossa was prepared and developed for the Air Force. I ask you in your capacity as Commander-in-Chief of the German Luftwaffe.

GÖRING: That is right.

GEN. RUDENKO: You have answered already the first part of my question. Now the following part: You admit that as chief of the German Air Force and Reich Marshal you participated in preparations for the attack on the Soviet Union?

GÖRING: I once more repeat that I prepared for the possibility of an attack, mainly because of Hitler's assumption that Soviet Russia was adopting a dangerous attitude. In the beginning the certainty of an attack was not discussed, and that is stated clearly in the directive of November 1940.

Secondly, I want to emphasize that my position as Reich Marshal is of no importance here. That is a title and a rank.

GEN. RUDENKO: But you do not deny—rather, you agree—that the plan was already prepared in November 1940?

GÖRING: Yes.

GEN. RUDENKO: It appears to me that the question has already been covered in such detail before the Tribunal that we need not talk too much about Case Barbarossa, which is quite clear. I shall go on to the next question:

Do you admit that the objectives of the war against the Soviet Union consisted of invading and seizing Soviet territory up to the Ural Mountains and joining it to the German Reich, including the Baltic territories, the Crimea, the Caucasus; also the subjugation by Germany of the Ukraine, of Bielorussia, and of other regions of the Soviet Union? Do you admit that such were the objectives of that plan?

GÖRING: That I certainly do not admit.

GEN. RUDENKO: You do not admit that! Do you not remember that during the conference at Hitler's headquarters on the 16th of June 1941, at which you were present, as well as Bormann, Keitel, Rosenberg, and others, Hitler stated the objectives of the attack against the Soviet Union exactly as I have stated them? This was shown by the document submitted to the Tribunal. Have you forgotten that document? Have you forgotten about that?

GÖRING: I can remember the document exactly, and I have a fair recollection of the discussion at the conference. I said the first time that this document, as recorded by Bormann, appears to me extremely exaggerated as far as the demands are concerned. At any rate, at the beginning of the war, such demands were not discussed; nor had they been discussed previously.

GEN. RUDENKO: But you do admit that there are minutes of such a conference?

GÖRING: I admit it because I have seen them. It was a document prepared by Bormann.

GEN. RUDENKO: You also admit that according to the minutes of this meeting, you participated in that conference.

GÖRING: I was present at that conference, and for that reason I question the record.

GEN. RUDENKO: Do you remember that in those minutes the tasks were formulated which were in connection with developing conditions? I shall remind you of various parts of the minutes. It is not necessary to read them in full.

GÖRING: May I ask to be shown a copy of that record.

GEN. RUDENKO: You would like a copy of the minutes of the meeting?

GÖRING: I ask to have it.

GEN. RUDENKO: If you please. Would you like to read the document?

GÖRING: No, only where you are going to quote it.

GEN. RUDENKO: Page 2, second paragraph, Point 2, about the Crimea: "We emphasize"—can you find the place? Do you have it?

GÖRING: Just a moment, I have not found it yet. Yes, I have it.

GEN. RUDENKO: "We emphasize"—states this Point 2—"that we are bringing freedom to the Crimea. The Crimea must be freed of all foreigners and populated by the Germans. Also, Austrian Galicia will become a province of the German Reich."

Have you found the place?

GÖRING: Yes.

GEN. RUDENKO: "A province of the Reich," it says.

GÖRING: Yes.

GEN. RUDENKO: I want to draw your attention to the end of the minutes. It says here: "The Führer stresses the fact that the whole of the Baltic States must become Reich territory."

Have you found the place, "The Führer stresses the fact"?

GÖRING: You mean the very last bit?

GEN. RUDENKO: That is right.

GÖRING: "Finally, it is ordered . . ."?

GEN. RUDENKO: A little higher up.

GÖRING: "The Führer stresses . . ."?

GEN. RUDENKO: That is right.

"The Führer stresses the fact that the Baltic countries as well must become Reich territory." Then it goes on—"Reich territory must also include the Crimea, with its adjoining regions. These adjoining regions must be as big as possible."

The Führer then says something about the Ukrainians...

Go on further; skip one paragraph.

"The Führer, furthermore, stresses that the Volga region also must become Reich territory, as well as the Baku Province, which must become a military colony of the Reich. Eastern Karelia is claimed by the Finns.

"The peninsula Kola, however, because of the large supplies of nickel, should become German territory. Great caution must be exercised in the incorporation of Finland as a federal state. The Finns want the surrounding region of Leningrad. The Führer will level Leningrad to the ground and give it to the Finns afterwards."

Have you not found the place where it mentions Leningrad and Finland?

GÖRING: Yes.

GEN. RUDENKO: These are the minutes of the conference at which you were present on the 16th of July 1941, 3 weeks after Germany attacked the Soviet Union. You do not deny that such minutes exist, do you?

It is Document Number L-221.

GÖRING: Just a moment, you are mistaken in the date. You said 3 days; that is not correct.

GEN. RUDENKO: Three weeks, not 3 days.

GÖRING: Oh, 3 weeks; I see.

GEN. RUDENKO: Three weeks after Germany attacked the Soviet Union on the 22d of June, and the conference took place at Hitler's headquarters on the 16th of July at 1500 hours, I think.

Is it correct that such a conference took place?

GÖRING: That is quite right. I have said so all along, but the record of this is not right.

GEN. RUDENKO: And who took the minutes of the meeting?

GÖRING: Bormann.

GEN. RUDENKO: What was the point of Bormann's taking the minutes incorrectly?

GÖRING: In this record Bormann has exaggerated. The Volga territory was not discussed. As far as the Crimea is concerned, it is correct, that the Führer...

GEN. RUDENKO: Well, let us be a little more precise. Germany wanted the Crimea to become a Reich territory, correct?

GÖRING: The Führer wanted the Crimea, yes, but that was an aim fixed before the war. The same applies to the three Baltic States, which had previously been taken by Russia. They, too, were to go back to Germany.

GEN. RUDENKO: Pardon me. You say that the question of the Crimea arose even before the war, that is, the question of acquiring the Crimea for the Reich. How long before the war was that?

GÖRING: No, before the war the Führer had not discussed territorial aims with us, or, rather which territories he had in mind. At that time, if you read the record, I myself considered the question premature, and I confined myself to more practical matters during that conference.

GEN. RUDENKO: I would like to be still more precise. You state that with regard to the Crimea, there was some question about making the Crimea Reich territory.

GÖRING: Yes, that was discussed during that conference.

GEN. RUDENKO: All right, with regard to the Baltic provinces, there was talk about those, too?

GÖRING: Yes.

GEN. RUDENKO: All right. With regard to the Caucasus, there was talk about annexing the Caucasus also?

GÖRING: It was never a question of its becoming German. We merely spoke about very strong German economic influence in that sphere.

GEN. RUDENKO: So the Caucasus was to become a concession of the Reich?

GÖRING: Just to what degree obviously could not be discussed until after a victorious war. You can see from the record what a mad thing it is to discuss a few days after a war has broken out the things recorded here by Bormann, when nobody knows what the outcome of that war will be and what the possibilities are.

GEN. RUDENKO: Therefore by exaggeration you mean that the Volga territory for instance was not discussed.

GÖRING: The exaggeration lies in the fact that at that time things were discussed which could not be usefully discussed at all. At the most one might have talked about territory which one occupied, and its administration.

GEN. RUDENKO: We are now trying to establish the facts, namely, that those questions had been discussed, and these questions came up at the conference. You do not deny that, do you?

GÖRING: There had been some discussion, yes, but not as recorded in these minutes.

GEN. RUDENKO: I would like to draw just one conclusion. The facts bear witness that even before this conference, aims to annex foreign territories had been fixed in accordance with the plan prepared months ago. That is correct, is it not?

GÖRING: Yes that is correct, but I would like to emphasize that in these minutes I steered away from these endless discussions, and here the text reads:

> "The Reich Marshal countered this, that is, the lengthy discussion of all these things, by stressing the main points which were of vital importance to us, such as, the securing of food supplies to the extent necessary for economy, securing of roads, *et cetera.*"

I just wanted to reduce the whole thing to a practical basis.

GEN. RUDENKO: Just so. You have contradicted yourself, inasmuch as in your opinion, the most important thing was the food supply. All the other things could follow later. It says so in the minutes. Your contradiction does not lie in your objection to the plan itself but in the sequence of its execution. First of all you wanted food and later territory. Is that correct?

GÖRING: No, it is exactly as I have read it out, and there is no sequence of aims. There is no secret.

GEN. RUDENKO: Please read it once more and tell me just where you disagreed.

> GÖRING: "After the lengthy discussion about persons and matters concerning annexation, *et cetera,* opposing this, the Reich Marshal stressed the main points which might be the decisive factors for us: Securing of food supplies to the extent necessary for economy, securing of roads, *et cetera*—communications."

At the time I mentioned railways, *et cetera,* that is, I wanted to bring this extravagant talk—such as might take place in the first flush of victory—back to the purely practical things which must be done.

GEN. RUDENKO: It is understandable that the securing of food supplies plays an important part. However, the objection you just gave does not mean that you objected to the annexation of the Crimea or the annexation of other regions, is that not correct?

GÖRING: If you spoke German, then, from the sentence which says, "opposing that, the Reich Marshal emphasized . . ." you would understand everything that is implied. In other words, I did not say here, "I protest against the annexation of the Crimea," or, "I

protest against the annexation of the Baltic States." I had no reason to do so. Had we been victorious, then after the signing of peace we would in any case have decided how far annexation would serve our purpose. At the moment we had not finished the war, we had not won the war yet, and consequently I personally confined myself to practical problems.

GEN. RUDENKO: I understand you. In that case, you considered the annexation of these regions a step to come later. As you said yourself, after the war was won you would have seized these provinces and annexed them. In principle you have not protested.

GÖRING: Not in principle. As an old hunter, I acted according to the principle of not dividing the bear's skin before the bear was shot.

GEN. RUDENKO: I understand. And the bear's skin should be divided only when the territories were seized completely, is that correct?

GÖRING: Just what to do with the skin could be decided definitely only after the bear was shot.

GEN. RUDENKO: Luckily, this did not happen.

GÖRING: Luckily for you.

GEN. RUDENKO: And so, summing this up on the basis of the replies which you gave to my question, it has become quite clear, and I think you will agree, that the war aims were aggressive.

GÖRING: The one and only decisive war aim was to eliminate the danger which Russia represented to Germany.

GEN. RUDENKO: And to seize the Russian territories.

GÖRING: I have tried repeatedly to make this point clear, namely, that before the war started this was not discussed. The answer is that the Führer saw in the attitude of Russia, and in the lining up of troops on our frontier, a mortal threat to Germany, and he wanted to eliminate that threat. He felt that to be his duty. What might have been done in peace, after a victorious war, is quite another question, which at that time was not discussed in any way. But to reply to your question, by that I do not mean to say that after a victorious war in the East we would have had no thoughts of annexation.

GEN. RUDENKO: I do not wish to occupy the time of the Court in returning to the question of the so-called preventive war, but nevertheless, since you touched on the subject, I should like to ask you the following:

You remember the testimony of Field Marshal Milch, who stated that neither Göring nor he wanted war with Russia. Do you remember that testimony of your witness, Field Marshal Milch?

GÖRING: Yes, perfectly.

GEN. RUDENKO: You do remember. In that case why did you not want war with Russia, when you saw the so-called Russian threat?

GÖRING: Firstly, I have said already that it was the Führer who saw the danger to be so great and so imminent. Secondly, in connection with the question put by my counsel, I stated clearly and exactly the reasons why I believed that the danger had not yet become so imminent, and that we should take other preparatory measures first. That was my firm conviction.

GEN. RUDENKO: But you do not deny the testimony of your witness Milch?

GÖRING: Milch held a somewhat different opinion from mine. He considered it a serious danger to Germany because it would mean a war on two fronts. He was not so much of the opinion that Russia did not represent a danger, but he held that in spite of that danger one should take the risk and not use attack as a preventive measure against that danger. I too held the same opinion, but of course at a different time.

GEN. RUDENKO: On the basis of your replies to questions during several sessions, it appears there was no country on earth which you did not regard as a threat.

GÖRING: Most of the other countries did not represent a danger to Germany, but I personally, from 1933 on, always saw in Russia the greatest threat.

GEN. RUDENKO: Well, of course, by "the other countries" you mean your allies, is that right?

GÖRING: No, I am thinking of most of the other countries. If you ask me again I would say that the danger to Germany lay, in my opinion, in Russia's drive towards the West. Naturally, I also saw a certain danger in the two western countries, England and France, and in this connection, in the event of Germany being involved in a war, I regarded the United States to be a threat as well. As far as the other countries were concerned, I did not consider them to be a direct threat to Germany. In the case of the small countries, they would only constitute a direct threat, if they were used by the large countries, as bases in a war against Germany.

GEN. RUDENKO: Naturally the small countries did not represent the same threat because Germany already occupied them. That has often enough been established by the Tribunal.

GÖRING: No, a small country as such does not represent a threat, but if another large country uses the small one against me, then the small country too can become a danger.

GEN. RUDENKO: I do not want to discuss the thing further as it does not relate to the question. The basic question here is Germany's intentions with regard to the territory of the Soviet Union, and to that you have already answered quite affirmatively and decisively. So I will not ask you any more questions on this subject. I shall go on to the next question.

Do you admit that as the Delegate for the Four Year Plan you were in full charge of the working out of the plans for the economic exploitation of all the occupied territories, as well as the realization of these plans?

GÖRING: I have already admitted that I assumed responsibility for the economic policy in the occupied territories, and the directions which I had given for the exploitation of those territories.

GEN. RUDENKO: Can you tell me how many million tons of grain and other products were exported from the Soviet Union to Germany during the war?

GÖRING: I cannot give you the figures. How could I know that from memory? But I am sure it is by no means as large as it was stated here.

GEN. RUDENKO: On the basis of your own documents I have the figures, but we will pass on to that question later.

I would like to return to the same conference which has already been mentioned. You remember the document submitted by the Soviet Prosecution, concerning the conference of the 6th of August 1942, Exhibit Number USSR-170, Document Number USSR-170? On 6 August 1942, there was a conference of commissioners of the occupied regions and of the representatives of the military command. This conference took place under your direction. You spoke at this conference—and I would like to remind you of some of the things you said.

GÖRING: May I have a look at these minutes?

GEN. RUDENKO: You want to see the minutes of the meeting? Certainly. It is quite a long document. I do not intend to read the whole thing, but only the relevant passages. I will ask you to look only at Page 111 of this stenographic record—the place is marked with pencil—especially the citations which I am going to quote here. On Page 111, it states:

> "Gentlemen: The Führer has given me general powers on a scale such as he has never given hitherto under the Four Year Plan. He has also empowered me . . ."

GÖRING: Just one moment. Are you not omitting "under the Four Year Plan"?

GEN. RUDENKO: Evidently the translation has not reached you. I mentioned the Four Year Plan.

"He has given me additional powers under the Four Year Plan reaching into every branch of our economic structure, whether within the State, the Party, or the Armed Forces."

Is it correct you were given such exclusive rights and prerogatives as mentioned in the citation?

GÖRING: When the Four Year Plan was formulated I received extraordinary general powers. For the first time unlimited powers were given in the economic sphere, I received authority to issue directives and instructions to the highest Reich departments, to the higher offices of the Armed Forces and the Party. During the war these powers were extended to the economic structure of the occupied countries.

GEN. RUDENKO: In that case I have stated and interpreted correctly, what you stated at the conference.

GÖRING: Absolutely, in spite of its being wrongly translated into German.

GEN. RUDENKO: With regard to your special prerogatives and rights, I am going to cite the instructions which you gave, as well as the orders you issued to some of the members who took part in a conference held on the 16th of August, and which were binding upon them.

GÖRING: Yes.

GEN. RUDENKO: In that case, when you used such expressions as "squeeze out," "get everything possible out of the occupied territories," such sentences in the directives issued became orders for your subordinates, is that not correct?

GÖRING: Naturally, they were then put into their proper form. These were the words used in direct speech, and the language was not so polite.

GEN. RUDENKO: Yes, I understand.

GÖRING: You are referring to the passage—may I repeat it:

"You certainly are not sent there to work for the welfare of the population . . ."

GEN. RUDENKO: Yes.

GÖRING: Do you mean that passage?

GEN. RUDENKO: Yes, Page 112. It states here, I shall read it:

"You are sent there not to work for the welfare of the population, but for the purpose of extracting everything possible out of these territories. That is what I expect from you."

GÖRING: You have left out a sentence, ". . . so that the German nation may live . . ."

GEN. RUDENKO: Yes, that is right.

GÖRING: One minute—"... extracting everything, so that the German nation may live. That is what I expect from you."

Before that it states, however, and this is the sentence I would like to read:

"In each of the occupied territories I see the people stuffed with food, while our own people starve."

The sentence follows then.

GEN. RUDENKO: You do not deny that these are your own words:

"You are sent there not to work for the welfare of the population, but to extract everything possible..."

GÖRING: You have to read that in connection with the preceding part. I do not deny that I said that.

GEN. RUDENKO: Do you deny your own words as stated here?

GÖRING: No, I am telling you that I did say that. What I do object to is the way you pick out certain things, whereas they should be taken with their context.

GEN. RUDENKO: These phrases in the document are very expressive. They require no comment.

I draw your attention to the following extract on Page 113, which is also underlined. Here are some of your orders:

"One thing I will do. I will get what I demand of you, and if you cannot do it, I will set up agencies which will get it from you, whether you like it or not."

Do you see that extract? Is it correct that this is what you said at the conference?

GÖRING: That quotation has not been translated by the interpreter as it is written down here in the original. The interpreter who is translating your words into German is using many strong expressions which are not contained in this document. Squeeze out...

GEN. RUDENKO: Please read your original.

GÖRING: It says here "to get from and obtain." Between "to get from and obtain," and "to squeeze out," there is a vast difference in German.

GEN. RUDENKO: To "get out" and to "squeeze out" is about the same thing. And what about the phrase, "I will set up agencies, which will squeeze it out of you." What have you got?

GÖRING: "Get from" and not "squeeze out of."

GEN. RUDENKO: "Get from"? Did you have any cause not to trust the Reich commissioners? You refer to them as "special agencies."

GÖRING: Not only were the Reich commissioners of the Eastern territories present, but also the commissioners of all territories. It was a question of the contribution in foodstuffs which the separate countries had to make, to enable us to deal with the whole food question in all those areas in Europe occupied by us. Before the conference I had been told that it was to be expected, as is always the case in such a situation, that everyone would hold back and get the other fellow to deliver first. In other words, I did not want these fellows to let me down. I knew they would offer me only half and I demanded 100 percent. We could then meet somewhere half way.

GEN. RUDENKO: I ask you—these demands which you made to those present at the conference, did they not mean a ruthless plundering of the occupied territories?

GÖRING: No, the main question at this conference was more food.

GEN. RUDENKO: But I am talking about plunder. Plunder can mean plundering of food from the occupied territories?

GÖRING: I have just said I was responsible for the feeding of practically the whole territory. Some of it was territory which had to be provided with food, and some had a surplus, and it had to be equalized.

At this meeting the contribution to be made by each Reich commissioner was for the most part fixed at 90 percent, and I in no way deny that in making my demands at the meeting I was worked up and used strong words. Later on the exact figures for the deliveries were laid down, and this was the net result of the meeting.

GEN. RUDENKO: I want to draw your attention to Page 118 Here it states as follows, I quote your words, Page 118, please; have you found the place?

GÖRING: Yes.

GEN. RUDENKO: Here it says:

"It seemed to me to be a relatively simple matter in former days. It used to be called plundering. It was up to the party in question to carry off what had been conquered. But today things have become more humane. In spite of that, I intend to plunder and to do it thoroughly."

Have you found the sentence?

GÖRING: Yes, I have found it, and that was exactly what I said at that conference. I emphasize that again.

GEN. RUDENKO: I just wanted to ascertain that you really said that.

GÖRING: I did say that, and now I should like to give you the reason. In making that statement I meant that in former times war fed on war. Today you call it something different, but in practice it remains the same.

GEN. RUDENKO: All right. I draw your attention to Page 119. There, addressing those present at the meeting you state:

"Whenever you come across anything that may be needed by the German people, you must be after it like a bloodhound. It must be taken out of store and brought to Germany."

Have you found that place?

GÖRING: Yes, I have found it.

GEN. RUDENKO: Did you say that?

GÖRING: I certainly assume that I did say it; yes.

GEN. RUDENKO: You did say that. This sentence is the natural logical conclusion of your directions "to plunder and do it thoroughly."

GÖRING: No, it is not. Just after that I said that I had issued a decree authorizing the soldiers to buy up what they wanted, as much as they wanted, and as much as they could carry. Just buy up everything.

GEN. RUDENKO: You mention soldiers. I wanted to remind you of this too, and as you have quoted it, I will refer to that sentence again. You said, "Soldiers may purchase as much as they want, what they want, and what they can carry away."

GÖRING: As much as they can carry away, yes, and that was necessary because the custom authorities had issued a restrictive order whereby a soldier could take only a small parcel. It seemed wrong to me, that a soldier, who had fought should benefit the least from victory.

GEN. RUDENKO: So that you do not deny that the extract which has just been read is what you really said in your speech of 6 August 1942.

GÖRING: I do not deny that at all.

GEN. RUDENKO: Very well. Let us go to the next question. Do you admit that as Delegate for the Four Year Plan you directed the deportation to forced labor of millions of citizens from the occupied territories, and that the Defendant Sauckel was your immediate subordinate in this activity? Do you admit that?

GÖRING: On paper he was my subordinate, but he was actually directly subordinate to the Führer. I have already emphasized that

to the extent that I was informed, I will take my part of the responsibility; and of course I knew about these statements.

GEN. RUDENKO: I want to draw your attention to your other remarks at the same conference. You will find that on Pages 141 and 142.

GÖRING: That has already been read to the Tribunal.

GEN. RUDENKO: I would like to ask you now if you have found the place?

GÖRING: I have found it.

GEN. RUDENKO: You have found it. You said at this conference:

"I do not want to praise Gauleiter Sauckel, he does not need it. But what he has accomplished in such a short time and with such speed for the recruitment of manpower from all over Europe and setting them to work in our industries, is a unique achievement."

Further, on Page 142, you say—you were speaking of Koch:

"Koch, they are not only Ukrainians. Your ridiculous 500,000 people! How many has he brought in? Nearly two million! Where did he get the others?"

Did you find the place?

GÖRING: Yes; it does not read quite like that here.

GEN. RUDENKO: It was not explicit. Make it more precise.

GÖRING: Koch is trying to assert that he alone supplied all these people for Sauckel. Whereupon, I replied that for the whole Sauckel program 2,000,000 workers had been supplied and that he, Koch, could lay claim to have supplied only 500,000, at most. In other words, Koch was claiming that he himself had supplied the total number.

GEN. RUDENKO: Did you think that 500,000 from the Ukraine was a small number?

GÖRING: No, that is not the point. I have just explained. Of these 2,000,000 which represent the total supplied by Sauckel in the past, 500,000 came from the whole of the Ukraine, so that Koch did not produce the whole number as he was trying to assert. That is the meaning of the quotation.

GEN. RUDENKO: But you do not deny the underlying meaning that you were speaking here of millions of people who were carried off forcibly to Germany for slave labor.

GÖRING: I do not deny that I was speaking of 2,000,000 workers who had been called up, but whether they were all brought to Germany I cannot say at the moment. At any rate, they were used for the German economy.

GEN. RUDENKO: You do not deny that this was forced labor, slavery?

GÖRING: Slavery, that I deny. Forced labor did of course partly come into it, and the reason for that I have already stated.

GEN. RUDENKO: But they were forcibly taken out of their countries and sent to Germany?

GÖRING: To a certain extent deported forcibly, and I have already explained why.

GEN. RUDENKO: You heard, Defendant Göring, that a series of German documents have been read which make it clear that these people from the occupied territories were sent forcibly to Germany; that they were rounded up, taken in the street, and from the cinemas, loaded into trains and sent to Germany under military guard. If they refused to go to Germany, or tried to evade mobilization, the peaceful inhabitants were shot and submitted to tortures of various nature. You have heard of these documents which describe these methods.

GÖRING: Yes, but may I ask you to look at those documents again. These show that recruitment was not ordered, but that registration even for forced labor was regulated by decrees and other orders. If I had been given an absolute guarantee, particularly in the East, that all these people would be peaceful and peace-loving people, that they would never take part in partisan activities or carry out sabotage, then I probably would have put a larger number to work on the spot. But for security reasons, both in the East and West—particularly in the West—where young age groups were reaching the age of military service—we were compelled to draft these men into labor and bring them to Germany.

GEN. RUDENKO: They were taken to Germany only in the interest of security and safety?

GÖRING: There were two reasons. I have already explained them in detail. Firstly, for security reasons. Secondly, because it was necessary to find labor.

GEN. RUDENKO: And for that reason—let us take the second, the necessity of finding labor—people were forcibly taken from their country and sent to slavery in Germany. Is that correct?

GÖRING: Not to slavery; they were sent to Germany to work, but I must repeat that not all of those who were taken away from the East and are missing there today, were brought in to work. For instance, in the case of Poland already 1,680,000 Poles and Ukrainians had been taken by the Soviet Union from the territory which the Russians occupied at that time, and transported to the East—the Far East.

GEN. RUDENKO: I do not think you had better touch on the question of the Soviet territories. Just answer the question which I am asking you, which concerns the deportation to Germany of the peaceful population from the occupied territories. I am asking you once more: You said in answer to Sir David Maxwell-Fyfe's question that of the 5,000,000 persons who were sent to Germany, approximately 200,000 were volunteers, while the rest were taken to Germany forcibly. Is that not so?

GÖRING: First of all, I must correct that. I did not say that to Sir David at all, but he asked me.

GEN. RUDENKO: And you admitted it?

GÖRING: Just a moment. That is to say, he mentioned the figure 5,000,000 of which he said not more than 200,000 were volunteers. He questioned me on the strength of the minutes of the Central Planning Board, allegedly a statement by Sauckel. I did not agree and answered that the figure of volunteers was much higher, and that there must be a mistake in the figures.

GEN. RUDENKO: All right. You affirm that the number of volunteers was considerably larger, but you do not deny the fact that millions were sent to Germany against their will. You do not deny that.

GÖRING: Without wanting to tie myself down to a figure, the fact that workers were forcibly put to work is something I have never denied, and I answered accordingly.

GEN. RUDENKO: Let us go to another question: Tell me, what procedure was there for sending on the orders and directives of the OKW to various other government agencies and organs.

GÖRING: I did not understand the meaning of that question as it came through in translation.

GEN. RUDENKO: I would like you to describe the procedure which existed for sending the directives of the OKW to the various units and departments of the Air Force and other organs. How were they distributed?

GÖRING: If I have understood the question correctly, the procedure was as follows: If an order came from the OKW, addressed to the Air Force, it went through the following channels: If it was a direct order from the Führer and signed by the Führer, the order had to be sent directly to me, the Commander-in-Chief. If it was an order—not actually signed by the Führer, but beginning with the words, "By order of the Führer," or "On the instructions of the Führer"—such an order, according to its importance, would go to the Chief of the General Staff of my Air Force, who, according to the purport and whether it was important, would report it to me

verbally. If, however, it dealt with current and departmental matters the order would go immediately and directly to the lower departments concerned without passing through the High Command. It would have been impossible to work otherwise, owing to the very large number of such orders.

GEN. RUDENKO: I understand. In connection with this I would like to ask the following: In 1941 the OKW drew up a series of instructions and orders with regard to the conduct of the troops in the East and how they were to treat the Soviet population. These dealt specifically with military jurisdiction in the Barbarossa region —Document C-50, which has already been submitted to the Tribunal. According to these instructions, the German officers had the right to shoot any person suspected of a hostile attitude towards the Germans, without bringing that person to court. This directive also stated that the German soldiers could not be punished for crimes which they committed against the local population. Directives of this nature must have been submitted to you?

GÖRING: I would have to see that from the distribution chart. May I see the document please?

GEN. RUDENKO: You would like to see the exhibit?

GÖRING: I want to see whether that document went straight to me, or only to my departments.

GEN. RUDENKO: Please look at the date, 13 May 1941.

GÖRING: Actually it did not go straight to me. It says on the distribution chart, "Ob. d. L., Air Force Operations Staff, Senior General Staff officer." Actually as far as my troops were concerned, I issued very severe disciplinary orders. That is the reason why I have asked for the senior Judge of the Air Force to be called as a witness, and have now sent him an interrogatory which deals with these very questions.

GEN. RUDENKO: You do know about this order, however?

GÖRING: I have seen it here, and consequently asked for the witnesses, since this order did not go directly to the Commander-in-Chief, but to the department which I have just mentioned. Nevertheless, if this department acted on this order, then I do of course formally share the responsibility. But we are here concerned with an order from the Führer and Supreme Commander of the Armed Forces, which could not be questioned by the troops.

GEN. RUDENKO: But you do agree that you must have known about this document because of its importance?

GÖRING: No, if so, it would have come directly to me, the Commander-in-Chief, and not be sent to the Air Force Operations Staff and the General Staff officers' department. It depended then on

whether this department considered the importance of the document to be such as to require my personal orders and directives. But this was not the case here, since the document did not affect us as much as it did the Army.

GEN. RUDENKO: But the document was sent to your department and circulated there.

GÖRING: I have just said it was sent to two offices.

GEN. RUDENKO: But this document should have been reported to you.

GÖRING: No, it did not have to be reported to me. I explained a little earlier that if every order and every instruction which came through in the shape of an order, but which did not require my intervention, would have had to be reported to me, I should have been drowned in a sea of papers; and that is the reason why only the most important matters were brought to me and reported to me.

I cannot swear upon my oath that this document was not reported to me verbally. It is possible. And I formally take responsibility also for my departments.

GEN. RUDENKO: I would like you to be more precise about it. You say that the most important things were usually reported to you; correct?

GÖRING: That is correct.

GEN. RUDENKO: I would like to draw your attention to the document before you, to the third and fourth paragraphs of the order. The third paragraph says:

"Actions of hostile civilians against the German troops or various troop units, as well as against service personnel, must be suppressed on the spot by the most severe measures, even the extermination of the attackers."

Paragraph 4: "Thus, no time should be lost . . ."

GÖRING: Just a moment.

GEN. RUDENKO: The fourth paragraph . . .

GÖRING: You have sent me three documents, and I am trying to find out which one; I am trying to sort them out.

GEN. RUDENKO: All right, sort them out.

GÖRING: I shall repeat Paragraph 3 because it has been transmitted quite erroneously in the German.

"Also in the case of all other attacks by hostile civilians against the Armed Forces, their members and service personnel, extreme measures to suppress them must be taken by the troops on the spot, even to the extent of annihilating the attackers."

GEN. RUDENKO: And Paragraph 4?

GÖRING: Then we come to Number 4, and it is, if I understand you correctly, the paragraph where it says: "Where measures of this kind have been omitted or were not practicable at the moment, the suspected elements will be taken at once to an officer who will decide whether they are to be shot." That is probably what you meant, is it not?

GEN. RUDENKO: Yes. That is what I had in mind. Could it be assumed that this document, from your point of view, was important enough to have been reported to you?

GÖRING: Actually it was important, but it was not absolutely necessary for it to be reported, because the order of the Führer had made it so clear that a subordinate commander, and even a commander-in-chief of one of the services could not alter a clear and strict order of that kind.

GEN. RUDENKO: I draw your attention once more to the date in the right-hand corner. It states there, Führer headquarters, 13 May 1941.

GÖRING: Yes.

GEN. RUDENKO: Therefore, it means that this was a month before the German attack on the Soviet Union? Already, then, directives were formulated about military jurisdiction within the regions covered by Case Barbarossa, and you did not know about this document?

GÖRING: When a plan for mobilization is laid, provision must be made for certain eventualities. From his experience, the Führer believed that a serious threat would immediately arise in the East, and in this document measures are laid down for dealing with any action by the resistance, and fighting behind the lines. It was therefore a precautionary order in case of such happenings. Such measures have to be taken always and at all times.

GEN. RUDENKO: And the officers were given the right to shoot civilians without bringing them to trial?

GÖRING: An officer could hold a court martial on the spot, but, according to this paragraph, he could also, if he thought fit and had evidence that the opponent was making attacks from the rear, have him shot on the spot. That has always been done.

GEN. RUDENKO: You think that the officer can hold a court martial on the spot?

GÖRING: That is laid down in the articles of war. Every officer commanding an independent unit can hold a court martial at any time.

GEN. RUDENKO: But you do agree that there is no question of any court here? It states that he alone can decide what to do with the civilian.

GÖRING: He could act alone or through a court martial, which was on the spot. All he needed to do was to call just two more people, and he could reach a decision, in 2 or 5 minutes if evidence of the attack was given.

GEN. RUDENKO: In 5 minutes or 2 minutes, you say, and then he could shoot the person?

GÖRING: If I catch a man in the act of shooting at my troops from a house in the rear, then the matter can be settled very swiftly by a court martial. But where there is no evidence at all, you cannot do that. Here, however, we are dealing with an immediate attack and with the means of putting an end to it.

GEN. RUDENKO: Defendant Göring, let us leave this question. I would only like to point out once more that this directive was issued by the High Command of the Armed Forces on 13 May 1941, and that this order gives an officer the right to shoot a man without a trial. I suppose you will not deny this. Let us go on.

GÖRING: Yes, but I deny that emphatically. There is nothing here which says that an officer has the right to shoot a man right away. Let us get this right. It says here—and I repeat it—"Attacks by hostile civilians against the Armed Forces," and then it says, "Where measures of this kind are not practicable at the moment, the suspected elements . . ."—and here is meant "suspected elements" only—are to be brought before the highest officer of the formation there present and he will decide the matter. In other words, it does not say that every officer can decide the fate of any civilian.

GEN. RUDENKO: But the resolution is to shoot. It is quite clear. The second document which I would like to submit now and question you about is that dated 16 September 1941. It has been submitted to the Court as Exhibit Number R-98.

GÖRING: Just a moment. What was the date you mentioned?

GEN. RUDENKO: 16 September 1941 is the date of the document. Point B of the document. I will not quote it. I am merely calling it to your mind. It states that as a general rule the death of one German soldier must be paid for by the lives of 50 to 100 Communists. That means that this rule was to serve as a deterrent. I am not going to question you about the main purport of the document. That is quite clear and needs no clarification. What I am interested in is whether this document was likewise unknown to you.

GÖRING: It was not directed to me. Here again it merely went to some office. The Air Force had very little to do with such matters.

GEN. RUDENKO: And these offices did not report to you about such documents?

GÖRING: In a general way I knew about these reprisals, but not to this extent. I learned only later—I mean during the war, not here—that the order originally mentioned 5 to 10 and that the Führer personally made it 50 to a 100. The question is whether you have any evidence that the Air Force really made use of the order anywhere, and they did not. That is all I can tell you.

GEN. RUDENKO: Do not put questions to me. I am asking you. Did your administrative office ever report to you about this document?

GÖRING: No, but later on I heard about this document. At a later date.

GEN. RUDENKO: What do you mean by a "later date"? Please be more precise.

GÖRING: I cannot tell you at the moment. It was sometime during the war that I heard that a figure which originally stood at from 5 to 10 had been altered by the Führer personally to 50 to 100. That is what I heard.

GEN. RUDENKO: For one German?

GÖRING: I have just explained to you. That is what I heard. The number was originally 5 to 10 and the Führer personally added on a zero. It was through that fact being once discussed that I learned about the whole matter.

GEN. RUDENKO: You mean the Führer added the zeros?

THE PRESIDENT: General Rudenko, do you think it is really necessary to go through these documents in such detail? The documents, after all, speak for themselves, and they have already been presented to the Tribunal.

GEN. RUDENKO: I am finishing with this document, Mr. President.

Do you know anything about the directives of the OKW with regard to the treatment of Soviet prisoners of war?

GÖRING: I shall have to see them.

GEN. RUDENKO: If you please, Mr. President, the document has already been submitted to the Tribunal as 338-PS.

Please look at Point A, Paragraph 3, which states that there is a broad directive concerning the use of arms against Soviet prisoners of war. The use of weapons must be considered permissible

and in any incidents involved the guards are not bound to report on the matter.

This document also speaks for itself. I do not want . . .

GÖRING: Just a moment, I must read it first; there is some ambiguity in here.

GEN. RUDENKO: I should like to refresh your memory with still another subject, that is, a short comment. It is taken from an order concerning the treatment of Soviet prisoners of war. Here it is said that prisoners of war who are trying to escape should be shot without warning. The same subject is also mentioned in the memorandum concerning the treatment of the Russian prisoners of war.

GÖRING: The trouble here was the language difficulty; hence the guards were instructed to use their arms immediately against persons attempting escape. That is more or less the meaning of it, and that errors might occur in this connection can be understood.

GEN. RUDENKO: I am not talking about the purport of the document which speaks for itself. I want to know whether you knew about this document.

GÖRING: This is a document dealing with the treatment of prisoners of war, and it was passed directly to my department which was concerned with prisoners of war. I did not know of this document, neither did I know of the one which contains the opinion of the Foreign Intelligence Department on the matter.

GEN. RUDENKO: You did not know about this document? Very well. Now one other, Number 884-PS, already submitted. It deals with the extermination of political leaders and other political personalities. This is a document . . .

GÖRING: In explanation of this, I should like to point out that the Air Force did not have any camps for Soviet prisoners of war. The Air Force had only six camps in which the air force personnel of other powers were confined; but it had no camps under it with Soviet prisoners of war.

GEN. RUDENKO: I have asked you these questions and shown you these documents because as the second man in Germany, you could not possibly have been unaware of these things.

GÖRING: I apologize if I contradict you. The higher the office I held, the less would I be concerned with orders dealing with prisoners of war. From their very nature, these were departmental orders and not orders of the highest political or military significance. If I had held a much lower rank, then I might have had more knowledge of these orders. I am now looking at the document which you submitted to me—Department of Home Defense. It says

on the left, "Reference: Treatment of Captured Political and Military Russian Functionaries." That is the document I am looking at.

GEN. RUDENKO: Please look at the date of the document—12 May 1941, Führer's Headquarters.

GÖRING: Yes.

GEN. RUDENKO: Look at Paragraph 3 of the document.

"Political leaders among the troops are not to be considered prisoners of war and must be exterminated at the latest in the transit camps. They must never be transported to the rear."

Did you know about this directive?

GÖRING: May I point out that this is in no way a directive, but that it bears the heading, "Memorandum," and is signed Warlimont. Also the distribution chart does not show any other department than the Home Defense Department, which I have mentioned. In other words, this is a memorandum.

GEN. RUDENKO: You mean to say then that you did not know about this document?

GÖRING: I say once more, this is a memorandum from the Operations Staff of the OKW; and it is not an order or a directive, but a memorandum.

THE PRESIDENT: That is not an answer to the question. You are telling us what it was, not whether you knew of it.

GÖRING: No; I did not. It had been put before me as an order, and I wanted to point out that it is not an order.

GEN. RUDENKO: Let us go on. The directives regarding the treatment of Soviet prisoners of war must have been executed also by the units of the Luftwaffe?

GÖRING: If ordered by the Führer, yes; or if ordered by me, also.

GEN. RUDENKO: Do you remember your own directives with regard to the treatment of Soviet prisoners of war?

GÖRING: No.

GEN. RUDENKO: You do not remember them?

GÖRING: The Air Force had no camps with Soviet prisoners of war.

GEN. RUDENKO: Tell me, the majority of these criminal orders and directives of the OKW, were they not issued even before the beginning of the war against the Soviet Union and as part of the preparations for that war? Does this not show that the German Government and the OKW already had a prepared plan for exterminating the Soviet population?

GÖRING: No. It does not prove it at all. It only shows that we considered a struggle with the Soviet Union would be an extremely bitter one, and that it would be conducted according to other rules as there were no conventions.

GEN. RUDENKO: These rules of warfare are well known to us. Please tell me, do you know about Himmler's directives given in 1941 about the extermination of 30 million Slavs? You heard about it from the witness Von dem Bach-Zelewski here in court. Do you remember that?

GÖRING: Yes. First of all it was not an order but a speech. Secondly, it was an assertion by Zelewski. And thirdly, in all speeches that Himmler made to subordinate leaders, he insisted on the strictest secrecy. In other words, this is a statement from a witness about what he had heard, and not an order. Consequently, I have no knowledge of this nonsense.

GEN. RUDENKO: You did not know about it. Very well. Tell me, in the German totalitarian state was there not a governing center, which meant Hitler and his immediate entourage, in which you acted as deputy? These directives must have concerned Keitel and Himmler also. Could Himmler of his own volition have issued directives for the extermination of 30 million Slavs without being empowered by Hitler or by you?

GÖRING: Himmler gave no order for the extermination of 30 million Slavs. The witness said that he made a speech in which he said that 30 million Slavs must be exterminated. Had Himmler issued such an order *de facto*, if he kept to regulations, he would have had to ask the Führer—not me, but the Führer—and the latter would probably have told him at once that it was impossible.

GEN. RUDENKO: I did not say it was an order; I said it was a directive from Himmler. You therefore admit, or you state rather, that Himmler could have issued instructions without discussing them with Hitler?

GÖRING: I emphasize that such instructions could not have been given by Himmler, and I know of no instructions; also no directive has been mentioned here.

GEN. RUDENKO: I shall repeat the question once more: Is it not true that the directives and the orders of the OKW with regard to the treatment of the civilian population and prisoners of war in the occupied Soviet territories were part of the general directives for the extermination of the Slavs? That is what I want to know.

GÖRING: Not at all. At no time has there been a directive from the Führer, or anybody I know of, concerning the extermination of the Slavs.

GEN. RUDENKO: You must have known about the mass extermination of the Soviet citizens from the occupied territories of the Soviet Union with the help of the SD and the Security Police. Is it not true that the Einsatz Kommandos and their activities were the result of the plan prepared in advance for the extermination of Jews and other groups of Soviet citizens?

GÖRING: No. Einsatz Kommandos were an internal organ which was kept very secret.

GEN. RUDENKO: I shall have several other questions. Perhaps it is better to adjourn now.

THE PRESIDENT: How long do you think it will take, General Rudenko?

GEN. RUDENKO: I think not more than another hour.

THE PRESIDENT: All these documents which you have been putting to the witness, as I have pointed out to you, are documents which have already been put in evidence and documents which seem to me to speak for themselves. I hope, therefore, that you will make your cross-examination as short as you can. The Tribunal will now adjourn.

[The Tribunal adjourned until 22 March 1946 at 1000 hours.]

EIGHTY-EIGHTH DAY

Friday, 22 March 1946

Morning Session

DR. SERVATIUS: Mr. President, yesterday I received the translation of Document D-728. It is the document which was objected to yesterday as being incorrect.

THE PRESIDENT: Yes.

DR. SERVATIUS: I request to have this retranslated, since this translation is considerably different from the original wording and, in particular, fails to make clear where the mistakes are which led to the objection against the document. On the first page of that document there are about 20 to 30 objections to be made. The translator, since he could not realize the importance of the document, translated it quickly without emphasizing the decisive points. A careful translation ought to be made, which would enable us to get an idea of the original document. I am fully aware of what the difficulties are.

THE PRESIDENT: Certainly, the translation shall be checked by a different translator, or, if you like, by two different translators.

DR. SERVATIUS: May I ask to have a new translation made for comparison, since the versión which we have here is also evidence of the fact that the original already contains considerable mistakes.

THE PRESIDENT: Certainly, it shall be checked and retranslated.

DR. SERVATIUS: Then, I request further that the opinion of an expert on the German language be obtained. This opinion will ascertain that the author of this document does not have full control of the German language and that it must have been drawn up by someone who was a foreigner. I do not want to give detailed reasons, but I would like to make this motion in writing.

THE PRESIDENT: I think you must certainly make a written application about that.

DR. SERVATIUS: I shall submit it in writing.

GEN. RUDENKO: Defendant Göring, in your statement you said that the attack on Poland was perpetrated after the bloody happenings in the town of Bromberg.

GÖRING: I said that the date for the attack was set due to the bloody events which included, in addition to many other incidents, also the Bloody Sunday at Bromberg.

GEN. RUDENKO: Do you know that these events happened on 3 September 1939?

GÖRING: I might have made a mistake regarding the date of Bromberg; I would have to see the documents about that. I merely quoted that as one example among a lot of others.

GEN. RUDENKO: It is understandable. The attack was perpetrated on 1 September, and the events in the town of Bromberg, which you just mentioned to the Tribunal, happened on 3 September 1939. I submit to the Tribunal the document evidence issued by the High Commission for the Investigation of German Crimes in Poland, which is duly certified in accordance with Article 21 of the Charter. From this testimony it is clear that the events about which the Defendant Göring is testifying here happened on 3 September 1939, that is to say, on the third day after the attack by Germany on Poland.

THE PRESIDENT: You can put the document to the witness, if you want.

GEN. RUDENKO: I have no German text. I have it in English and in Russian. I just received this document. It is dated 19 March, and I will submit it to the Tribunal as conclusive evidence to prove this fact.

THE PRESIDENT: I do not think this is the appropriate time to put in documents in that way.

Very well, you can put in the document now if you like.

GEN. RUDENKO: Thank you, Mr. President.

THE PRESIDENT: It must be translated into German, of course.

GEN. RUDENKO: I have no German translation of this document.

THE PRESIDENT: It has to be translated into German in order that defendant's counsel may see it.

GEN. RUDENKO: We will do that without fail.

DR. STAHMER: Mr. President, may I ask to have the document read now? It is only a short memorandum; so we can hear immediately what it contains.

THE PRESIDENT: Very well. Will you read it into the record, General Rudenko?

GEN. RUDENKO: Yes, Sir. It is very short:

"Certificate Based on the Investigation Performed by the Polish Legal Authority.

"The High Commission for the Investigation of German Crimes in Poland certifies that the so-called Bloody Sunday in the town of Bromberg took place on 3 September 1939, that is to say, 3 days after the time when Poland was subjected to the German attack.

"On 3 September 1939, at 1015 in the morning, German Fifth Columnists attacked Polish troop units retreating from Bromberg. During the fighting 238 Polish soldiers and 223 German Fifth Columnists were killed. As a consequence of the events after the entrance of the German troops into the town of Bromberg, they began mass executions, arrests, and deportations of Polish citizens to concentration camps, which were performed by the German authorities, the SS, and the Gestapo. There were 10,500 murdered, and 13,000 exterminated in the camps.

"This certificate is an official document of the Polish Government and is submitted to the International Military Tribunal in accordance with Article 21 of the Charter of 8 August 1945.

"Stefan Kurovsky, member of the High Commission for the Investigation of German Crimes in Poland."

I should like to prove by this document that the events regarding which the Defendant Göring gave testimony happened after the attack by Germany on Poland.

GÖRING: I am not sure whether we are both referring to the same event.

GEN. RUDENKO: I am speaking about the events in the town of Bromberg. You spoke about them.

GÖRING: Perhaps two different events took place in Bromberg.

GEN. RUDENKO: It is quite possible.

I pass on to the following question: It is known to you that there was an order by the OKW regarding the branding of Soviet prisoners of war, and what do you think about that?

GÖRING: That order is not known to me, and no representative of the Air Force was present at this preliminary discussion as I have ascertained here from the records.

GEN. RUDENKO: I am interested as to whether you knew about this or not. The orders are quite clear.

GÖRING: No.

GEN. RUDENKO: Do you know that the German High Command ordered that Soviet war prisoners and Soviet citizens had to be used

for clearing mine fields and transporting bombs that had not exploded, *et cetera*? Do you know about that?

GÖRING: I know that Russian prisoners of war who were engineers had to clear the mines which they had laid. To what extent the civilian population was employed for that purpose I do not know, but it was possible.

GEN. RUDENKO: It is quite clear.

Do you know about an order regarding the destruction of the towns of Leningrad, Moscow, and other towns of the Soviet Union?

GÖRING: In my presence the destruction of Leningrad was discussed only in the document which was mentioned yesterday, in the sense that the Finns, in case of the capture of Leningrad, would have no use for such a big city. Of the destruction of Moscow I know nothing at all.

GEN. RUDENKO: Do you remember the minutes of the meeting? This document was presented to you yesterday—the minutes of the meeting of 16 July 1941. You were present at this meeting. They state that the Führer declared . . .

GÖRING: I have just mentioned and confirmed that.

GEN. RUDENKO: Did you speak about this same document? But, besides this statement, there were also official orders.

GÖRING: Would you be good enough to put them before me, then I would be able to ascertain whether they are correct and whether they were known to me.

GEN. RUDENKO: I have no intention of submitting these documents to you. They have already been submitted to the Tribunal. I am interested only as to whether you were aware of these orders.

GÖRING: I received no order to destroy Leningrad or Moscow in the sense which you have indicated.

GEN. RUDENKO: All right. You were told only about the important happenings. But orders for the destruction of cities, and murder of millions of men, *et cetera,* went through so-called service channels.

GÖRING: If a town was to have been destroyed by bombing, then that order would have been given by me directly.

GEN. RUDENKO: On 8 March, here in the Tribunal, your witness Bodenschatz stated that you told him in March 1945 that many Jews were killed and that for that you will have to pay dearly. Do you remember this testimony of your witness?

GÖRING: This testimony, in the form in which it was translated now, I do not recollect at all. The witness Bodenschatz never said it that way. I ask that the record of the session be brought in.

GEN. RUDENKO: How did Bodenschatz say that? Do you remember?

GÖRING: That if we lost the war we would have to pay dearly.

GEN. RUDENKO: Why? For the murders which you had perpetrated?

GÖRING: No, quite generally, and after all, we have experienced just that.

GEN. RUDENKO: Quite generally. I have a few concluding questions to put to you. First of all, regarding the so-called theory of the master race. I should like to put to you only one question in this connection and I should like you to reply directly to it. Were you in accord with this principle of the master race and education of the German people in the spirit of it, or were you not in accord with it?

GÖRING: No, and I have also stated that I have never used that expression either in writing or orally. I definitely acknowledge the differences between races.

GEN. RUDENKO: But do I understand you correctly that you are not in accord with this theory?

GÖRING: I have never expressed my agreement with the theory that one race should be considered as a master race, superior to the others, but I have emphasized the difference between races.

GEN. RUDENKO: You can answer this question; it seems, you do not consider it right?

GÖRING: I personally do not consider it right.

GEN. RUDENKO: The next question: You have stated here to the Tribunal that you did not agree with Hitler regarding the question of the annexation of Czechoslovakia, the Jewish question, the question of war with the Soviet Union, the value of the theory of the master race, and the question of the shooting of the British airmen who were prisoners of war. How would you explain that, having such serious differences, you still thought it possible to collaborate with Hitler and to carry out his policy?

GÖRING: That was not the way I worded my answers. Here, too, we must consider separately various periods of time. As to the attack against Russia, there were no basic differences but differences as to the date.

GEN. RUDENKO: You have told that already. Excuse me; I do not want you to be lengthy on this theme. Will you reply directly?

GÖRING: All right. I may have a different opinion from that of my Supreme Commander, and I may also express my opinion clearly. If the Supreme Commander insists on his opinion and I

have sworn allegiance to him, then the discussion comes to an end, just as it is the case elsewhere. I do not think I need to elaborate on that.

GEN. RUDENKO: You are not just a simple soldier, as you stated here; but you have presented yourself also as a statesman?

GÖRING: There you are right. I am not only a simple soldier, and just because I am not a simple soldier but occupied such a prominent position, I had to set an example for the ordinary soldier by my own attitude as to how the oath of allegiance should be adhered to strictly.

GEN. RUDENKO: In other words, you thought it possible, even with the presence of these differences, to collaborate with Hitler?

GÖRING: I have emphasized it and I maintain that it is true. My oath does not hold good only in good times but also in bad times, although the Führer never threatened me and never told me that he was afraid for my health.

GEN. RUDENKO: If you thought it possible to co-operate with Hitler, do you recognize that, as the second man in Germany, you are responsible for the organizing on a national scale of murders of millions of innocent people, independently of whether you knew about those facts or not? Tell me briefly, "yes" or "no."

GÖRING: No, because I did not know anything about them and did not cause them.

GEN. RUDENKO: I should like to underline again, "whether you were informed of these facts or not."

GÖRING: If I actually do not know them, then I cannot be held responsible for them.

GEN. RUDENKO: It was your duty to know about these facts.

GÖRING: I shall go into that.

GEN. RUDENKO: I am questioning you. Reply to this question: Was it your duty to know about these facts?

GÖRING: In what way my duty? Either I know the fact or I do not know it. You can ask me only whether I was negligent in failing to obtain knowledge.

GEN. RUDENKO: You ought to know yourself better. Millions of Germans knew about the crimes which were being perpetrated, and you did not know about them?

GÖRING: Neither did millions of Germans know about them. That is a statement which has in no way been proved.

GEN. RUDENKO: The last two questions: You stated to the Tribunal that Hitler's Government brought great prosperity to Germany. Are you still sure that that is so?

GÖRING: Definitely until the beginning of the war. The collapse was due only to the war's being lost.

GEN. RUDENKO: As a consequence of which, you brought Germany, as a result of your politics, to military and political destruction. I have no more questions.

THE PRESIDENT: Does the Chief Prosecutor for France wish to cross-examine?

M. AUGUSTE CHAMPETIER DE RIBES (Chief Prosecutor for the French Republic): I ask the Tribunal for permission to make one very short statement to fulfill the desire expressed by the Tribunal and to abbreviate as much as possible the discussions at this Trial. The French Prosecution has come to an agreement with Mr. Justice Jackson and with Sir David that the questions put to the Defendant Göring as a witness should be only those which are considered pertinent.

The questions have been asked and we have heard the answers of the defendant, as far as it was possible to obtain from him anything except propaganda speeches.

I think the Defense will not be able to complain that its freedom has been curtailed. It has been able to use its freedom abundantly in the past 12 sessions without having been able in any way to weaken the Prosecution's overwhelming accusations, without having been noticeably able to convince anyone that the second man in the German Reich was in no way responsible for launching the war or that he knew nothing of the atrocities committed by the men whom he was so proud to command.

THE PRESIDENT: You will no doubt have the opportunity later to comment, but the question that I ask you now is whether you wish to ask the witness definite questions.

M. CHAMPETIER DE RIBES: Mr. President, I have finished; I have said all that I wanted to say, that is to say, after all these long discussions, the French Prosecution feels that nothing has been changed in the crushing accusation which we brought forth. Consequently, I have no further questions to ask the defendant.

THE PRESIDENT: Dr. Stahmer?

DR. STAHMER: The British Prosecution has stated that you issued direct orders to the Hermann Göring Division during its employment in Italy referring to the fight against the partisans. Is that statement correct?

GÖRING: No. The Hermann Göring Division was a ground division and was part of the operational task force of an army and army group. Consequently, it could never have received orders for its tactical employment from me, from Berlin or from my headquarters, which were not on the scene. Therefore I could not have

given it any orders as to whether and how it was to be employed in the partisan war. Only such orders are in question as referred exclusively to matters of personnel and equipment or which concerned the internal administration of justice with regard to officers; nor did the division submit to me daily reports but only...

SIR DAVID MAXWELL-FYFE: I did not catch that. I am sorry, My Lord, I should have spoken earlier. I gather that these questions are directed to the Hermann Göring Division. The defendant never dealt with that point when he was being examined in chief; and, therefore, I never dealt with it in cross-examination, because the point had not been raised. It is therefore my submission that it is quite inadmissible for the matter to be raised in re-examination.

THE PRESIDENT: You must remember, Sir David, that the practice in foreign countries is not the same as the practice in the United States and in England; and although it is perfectly true that Dr. Stahmer, according to the rules of England at any rate, would not be able to raise this point in re-examination, we are directed by the Charter not to deal technically with any question of evidence. It may be you would have to ask him some questions thereafter in cross-examination, although I hope that will not be necessary, in view of the evidence of the witness Kesselring.

SIR DAVID MAXWELL-FYFE: I considered that point, but I wanted only to make it clear that the Prosecution has not dealt with this point at all, because it had not been raised previously.

THE PRESIDENT: No; either in the examination or in the cross-examination.

SIR DAVID MAXWELL-FYFE: Or in the cross-examination.

THE PRESIDENT: Sir David, I had already noticed the point that the question had not been raised in the evidence of Hermann Göring.

DR. STAHMER: May I, in explanation, assert that I received the document only yesterday and consequently could not take any attitude earlier toward this question, which has been dealt with already by the Prosecution.

THE PRESIDENT: But, if my recollection is correct, the witness, Field Marshal Kesselring, raised this very point himself, and therefore the point was obvious and could have been raised in examination in chief, in which case it would have been dealt with by the Defendant Göring. It does not depend upon any particular document; it depends upon the evidence of the Field Marshal Kesselring, who said that he was bypassed—I think the word as it was translated was that he was bypassed between the Hermann Göring Division and the Defendant Göring, although the Hermann Göring

Division was under his command. So it has nothing to do with any document.

DR. STAHMER: May the witness continue, Mr. President.

THE PRESIDENT: Yes.

GÖRING: The division was under my command only as far as personnel, commissioning of officers, and equipment was concerned but not as to its employment. I did not receive reports daily, but at intervals, regarding events, losses, replacements. That, on the whole, was all the connection I had with that division. I could not give any orders for its employment, since it was under the command of parts of the Army.

DR. STAHMER: Did you receive a report regarding the events at Civitella?

GÖRING: No, I did not receive that report. I have learned of it for the first time here from the affidavit of an Army general who was in command of that division and who was also responsible for these matters, and who apparently is trying now to shift that responsibility to the division and, because of the name of the division, on to me.

DR. STAHMER: Your relation to Hitler and your influence upon him has again been touched upon during cross-examination. Will you please summarize the facts briefly by particular periods, which are necessary to form an opinion on that relation?

GÖRING: Already during the cross-examination I have pointed out that a very long period is involved here. In 1923, when I was an SA leader, my relation was normal. Then there is a long interval—1931 . . .

MR. JUSTICE JACKSON: May it please the Tribunal: It seems to me in the interests of time highly objectionable to allow the witness now to summarize. He was given the advantage of answering any questions he wanted as he went along. It seems to me that when he has covered a subject at least once—and as a matter of fact he covered this one four or five times in an address at nearly every question that would permit—that that at least should bring us to the end of that subject. It was exhausted.

The matter of time here is a grave matter. By our calculation—a careful calculation—of the witnesses which have been allowed, this Trial will now project into August. It does not seem that we should allow him to play this game both ways, to make his speeches during the cross-examination and then to sum them up again afterwards.

THE PRESIDENT: Dr. Stahmer, the Tribunal has allowed you to ask questions which, strictly speaking, are not admissible in re-examination and I want to make it clear to you what questions are

admissible in re-examination—only these which arise out of the cross-examination. As to this particular question, the Defendant Göring was allowed to make what were really speeches in his examination in chief without any interruption whatever; and he went over the whole history of the Nazi regime from its inception until the end of the war and the Tribunal does not consider that he ought to be at liberty to go over the same ground again in re-examination.

DR. STAHMER: Mr. President, I had merely asked that question because up to now it had not been dealt with comprehensively and I think it necessary, in order to form an opinion of the defendant and his attitude during that time, to have a comprehensive and coherent account of this matter which in my opinion is so important for the decision to be made in this Trial. If, however, the Tribunal objects to this question, I must submit to that decision and withdraw the question.

[Turning to the defendant.] I have another question. During your examination, you stated, regarding certain accusations, that you want to assume responsibility for them. How is that to be understood?

GÖRING: As to responsibility, one must discern between formal and actual responsibility. Formally, I bear responsibility for that which was done by those departments and offices which were under my command. Although I could not possibly have seen or known beforehand everything that was issued or discussed by them, I must nevertheless assume formal responsibility, particularly where we are concerned with the carrying out of general directives given by me. Actual responsibility I see in those cases in which I personally issued orders or directives, including in particular all acts and facts which I signed personally or issued authentically, but I mean these facts only and not so much general words and statements which were made during those 25 years here and there in small circles. In particular, I want to say the following very clearly about responsibility: The Führer, Adolf Hitler, is dead. I was regarded as his successor in leading the German Reich. Consequently I must declare, with reference to my responsibility, that it was my aim . . .

THE PRESIDENT: The Tribunal would wish that you should not make speeches. The Tribunal is perfectly well able to understand the difference between formal responsibility and actual responsibility for orders given by you.

GÖRING: I acknowledge my responsibility for having done everything to carry out the preparations for the seizure of power, and to have made the power firm in order to make Germany free and great. I did everything to avoid this war. But after it had started, it was my duty to do everything to win it.

THE PRESIDENT: We have already heard you say that more than once and we do not wish to hear it again.

GÖRING: On the question of labor: During the war, the inhabitants of the occupied territories were brought in to work in Germany and their countries were exploited economically.

THE PRESIDENT: Dr. Stahmer, you are supposed to be asking questions of the witness. Now, what question is that in answer to?

DR. STAHMER: I had asked him about his responsibility . . .

THE PRESIDENT: You can ask him questions, but you cannot ask him general questions which invite speeches. If you have any particular questions to ask him which arise out of the cross-examination, now is the time to ask them.

DR. STAHMER: I put this question: To what extent does he consider himself responsible for the points mentioned here in the cross-examination regarding the deportation of workers . . .

MR. JUSTICE JACKSON: I object to this question being put.

THE PRESIDENT: He has already told us about that. He answered that question more than once.

DR. STAHMER: In that case, I have no further questions to ask.

THE PRESIDENT: Very well. Then the defendant can retire.

[The defendant left the stand.]

THE PRESIDENT: Yes, Dr. Stahmer.

DR. STAHMER: May I first of all give a short review of the present stage of the Trial so that the Tribunal can see what the list of witnesses still granted to me is like now. I was going to forego Dr. Lohse.

THE PRESIDENT: Dr. Lohse, did you say?

DR. STAHMER: Yes, I abstain from calling Dr. Lohse, because the defendant has in my opinion already made sufficient statements on that subject. Furthermore, I had been granted Ambassador Dr. Paul Schmidt as a witness. That witness, of whom I want to ask a few questions only, I should like to hear later, subsequent to his examination by the Defendant Ribbentrop, because he will have to answer a wide range of questions during that examination, and it appears to me appropriate if I ask him subsequent to that—which is also in accord with the wish of Dr. Horn—if the Tribunal will agree to that procedure, the witness Koller . . .

THE PRESIDENT: Certainly.

DR. STAHMER: The witness Koller, as it has now been ascertained, is in Belgium, and not in Germany. His hearing was provided in case he was in Germany. Consequently, I shall have to

submit an interrogatory to that witness. That has been done, but the interrogatory has not yet been returned.

THE PRESIDENT: Yes.

DR. STAHMER: Furthermore, I have received permission to submit interrogatories to the witnesses Ondarza, Freiherr Von Hammerstein, Kammhuber, Student, and Bunjes. The interrogatories have been submitted but have not been returned yet. The situation is that the addresses of Ondarza and Kammhuber have since been ascertained; as to the other three witnesses, inquiries are still being made, so that also here I cannot yet submit anything. Then there are interrogatories of Uiberreither, Lord Halifax, and Forbes; from Halifax and Forbes the interrogatories have been received, and I am going to read them; from Uiberreither there is a written statement as well. Then it concerns . . .

THE PRESIDENT: What do you mean by "a written statement as well"? You said there are the interrogatories from Lord Halifax and Sir George Ogilvie-Forbes.

DR. STAHMER: Interrogatories have been received from Lord Halifax and Forbes. There is a written affidavit from Uiberreither and I assume that that may take the place of an interrogatory.

THE PRESIDENT: Yes, I understand.

DR. STAHMER: Furthermore, there is the Katyn case, Mr. President. Five witnesses are involved. I am still making inquiries regarding their addresses. I am therefore not in a position to have these witnesses called before the Tribunal.

THE PRESIDENT: Yes, Dr. Stahmer. Was that all that you wished to say at this stage?

DR. STAHMER: Yes, upon the question of these witnesses; in addition I must present what I have in the way of documents and then I shall have completed my case for the time being. I have put down in writing what I have to say about the documents.

THE PRESIDENT: Just one moment.

DR. STAHMER: Yes, sir.

THE PRESIDENT: Yes, Dr. Stahmer, the Tribunal approves of the course which you suggest.

MR. JUSTICE JACKSON: May I, in the interest of time, make a suggestion, Your Honor, that these documents which Dr. Stahmer proposes to offer, I understand, have been translated into all four languages, so that the reason for reading them in open court does not sustain. I cannot speak for my colleagues since I have not consulted them, but so far as the United States is concerned, we will not raise a question of relevancy; we spend no time arguing points

of relevancy. I suggest that the reading of a whole document book seems a waste of time of the Trial Court since the documents are available in all four languages.

THE PRESIDENT: Dr. Stahmer, before we consider that course which has been suggested by Mr. Justice Jackson, we should like to hear whether any of the other Chief Prosecutors have anything to add to it.

SIR DAVID MAXWELL-FYFE: I respectfully submit that it is an excellent suggestion and I want to make it clear to the Defense Counsel that I feel that it will, one the one side, avoid arguments of relevancy on comparatively small points and, on the other side, the Defense Counsel will be able to use any of the excerpts in their final speeches with more effect and probably with more help to the Tribunal than merely by reading them at this stage. I respectfully support it and consider that it will improve the general condition.

THE PRESIDENT: Thank you, Sir David. We will hear you in a moment, Dr. Stahmer, but I do not want you to go away; I want you to be able to hear. I want to hear General Rudenko too.

GEN. RUDENKO: I am fully in agreement with the suggestion of Mr. Justice Jackson and that of Sir David Maxwell-Fyfe and I also consider that the Tribunal accept these documents which have been translated in four languages. This does not exclude the premise, namely that the Defense has no right to submit documents that have nothing to do with the present case. In particular I have a definite objection against submitting as exhibits the extracts from documents of the so-called *White Book* which are being submitted by Dr. Stahmer in the document book. These extracts have nothing to do with the present case and they should not be submitted.

THE PRESIDENT: Does the French Chief Prosecutor wish to add anything to what has been said?

M. CHAMPETIER DE RIBES: The French Prosecution has laid before the Tribunal a note requesting rejection of Document Number Göring-26. It concerns indeed an extract from a note from the German Government to the French Government regarding the treatment of German prisoners of war in France. This extract refers to a secret order from the headquarters of the general commanding the 9th French Army. This extract says that the general commanding the 9th French Army published an order; this order was not given to us. We are dealing only with an assertion of the German Government, which is the government of the defendant. The extract which is offered to us has therefore no relevancy and we ask the Tribunal to reject it.

THE PRESIDENT: The Tribunal, at the moment, is not considering the question of relevancy of particular documents. They are considering only the general question of method as to whether all these documents have to be read out to the Tribunal or whether they can be laid before the Tribunal for the Tribunal's consideration. If they have got to be read out in full it will take a very considerable time, and therefore Mr. Justice Jackson has suggested that instead of all these documents being read out in full, which will take a very long time, as they have been translated, the reason for that no longer exists as it did exist in the case of the documents put in by the Prosecution which had not been translated. But that does not mean that the question of relevancy of individual documents or particular passages in the documents is decided by the document book's being presented for the consideration of the Tribunal. Such questions as that may, in important cases, have to be considered after argument, but as a general rule and for the purpose of avoiding delay, the suggestion of Mr. Justice Jackson appears to have a very great deal to recommend it.

M. CHAMPETIER DE RIBES: The matter which is before us today is to find out whether all of the documents which have been submitted are relevant, and that is why I asked that the Tribunal reject one of the documents as irrelevant. If it is understood that this question may be brought up later when the document is produced then I see no objection to postponing my explanation. I wish to state concerning Document Number Göring-26 only that the quotation read by Dr. Stahmer is mutilated and I shall ask the Tribunal to hear this document read in full.

THE PRESIDENT: We would like to consider this matter, but before doing so we would like to know whether you have any objection to the suggestion that has been made. You understand what Mr. Justice Jackson's suggestion is?

DR. STAHMER: Yes, Mr. President, I understand. It touches upon a fundamental question of the defense, and I should like to discuss this question briefly with the other Defense Counsel. I should like to suggest that the Court take a short recess now so that there will be an opportunity to discuss the matter. I would then make my statement afterwards. I should like to point out now that at the time we were willing to forego the reading of the Indictment, and its being read was not due to our objections. The gentlemen probably were of the opinion that it had to be read as a matter of principle. I shall clarify the question and report immediately.

THE PRESIDENT: What do you say about the reading of the Indictment? Are you making a complaint because the Indictment had been read?

DR. STAHMER: No, no, no.

THE PRESIDENT: The matter stands upon a different footing. The Charter, which is the document which governs the actions of the Tribunal, provided that the Indictment must be read. It does not follow that what is now being suggested is not provided for in the Charter. The only reason why we ruled that every document which the Prosecution wished to rely upon be read in open court was because the Prosecution, at that time, had not found it possible to translate into four different languages every document which it wished to put in evidence and for the convenience and in fairness to the defendants and their counsel. We ordered, as you remember at an earlier stage, that every sentence in a document upon which the Prosecution relied and which we could consider as evidence should be read into the microphone so that it could come to you in German and would appear in the record, in the transcript. That principle no longer applies to the documents which are now put in because they have been translated into four different languages by the Prosecution's Translation Division. Therefore, in the interest of time, which must be almost equally important to the Defense as well as to everyone else concerned, it seems to the Tribunal that the suggestion which Mr. Justice Jackson has made is a very sound one and you will, of course, be able to comment in any way you think right during the course of your final speeches upon the documents on which you rely, subject to any question of relevancy which may be of real importance. There may be certain documents which may be objected to by the Prosecution, but, as Mr. Justice Jackson said, he will not now raise any question of relevancy, and he is ready to have all these documents referred to in your document book considered by the Tribunal. Remember also, when we approved your documents, we expressly reserved any question of relevancy of particular passages in these documents which you might want to use.

Perhaps it will be appropriate for us to adjourn now and you can discuss the question with your colleagues.

[A recess was taken.]

DR. DIX: Gentlemen of the Tribunal: I was, of course, not in a position to have a vote taken among my colleagues of the Defense on the proposal of Mr. Justice Jackson, for the reason alone that not all Defense Counsel are present here. But I have been able to convince myself that the majority of the Defense Counsel agree with the reasons for what I am going to say, and I have no doubt that all Defense Counsel support the application which I am about to make to the effect that the suggestion of Mr. Justice Jackson should be rejected. But to be correct and loyal I feel obliged to

emphasize that naturally every one of the gentlemen is entitled to present his point of view on this question for himself and within the scope of his own subject matter.

And now to the matter itself. The suggestion of Mr. Justice Jackson, especially if it is followed in principle with regard to all the documents which are to be submitted by the Defense, would aim at the introduction of a tremendous volume of documents as subject matter in the Trial without their being made known by oral presentation in open session to the public and thus to the whole world, which is passionately and wholeheartedly interested in this Trial.

I abstain from quoting, with judicial dialectics, provisions, for instance from the Charter set up for this Trial, which could be used to conduct a polemic against Mr. Justice Jackson's proposal. I will start with the principle about the unconditional and absolute importance of which there will certainly be no difference of opinion between the Tribunal and us or between the Prosecution and us: namely, the principle that this whole Trial must be subject to the absolute postulate of justice and fairness. These are exactly the motives which prompted the authors of the Charter to give Part IV of the Charter a very pronounced heading. It says: "Fair Trial for Defendants."

But I cannot consider it just and I cannot consider it fair if the Prosecution had the right, for months, not only once but sometimes repeatedly and often, to bring their evidence to the knowledge of the public and of the world by reading it into the microphone; and in this regard it should be noted that when these documents were presented often only parts of documents were read which, in the opinion of the Prosecution, were incriminating to the defendants, while those parts were omitted which, in our opinion, were exonerating for the defendants. It must therefore be considered an injustice that a defendant should not also have the opportunity to bring to the knowledge of the world through his defense, those matters which, in his opinion and the opinion of his counsel, speak in his favor, when the Prosecution had previously had the right and the opportunity to apply that procedure to the incriminating documents.

May I draw attention to this fact—and I have pointed it out repeatedly—that certain incriminating points have not only been brought to the knowledge of the world public by reading the documentary evidence, but were repeated in the form of representation to the defendants when they were examined as witnesses, and thereby they have been drilled into the ears of the listening world again and again. I am asking you urgently and implore Your Honors in the interest of just proceedings, which I am sure are desired by you as well as by the authors of the Charter, to give the same opportunity to the defendants.

In support of his suggestion Mr. Justice Jackson has furthermore even emphasized formally the point of view that the Trial would be shortened. The Defense does in no way deny the necessity of limiting this Trial to the time necessary. But perhaps I may in this connection draw your attention to a statement made by the president of the court at the Belsen trial in reply to press criticism about the allegedly too lengthy duration of the trial; the gist of which was that no duration however long was to be regretted as long as it helped to reveal the truth in the end. I ask you to put this principle before the necessity of saving time in this Trial as well.

And finally, may I—without assuming authority to criticize the measures decided upon and carried out by the Prosecution in accordance with their duties—may I point out that the duration of the Trial thus far, should anyone consider it too long—I do not think it is too long—was at any rate not brought about by the Defense. I think I can say with a clear conscience that so far we have not done anything, said anything, or caused anything which could be used in justly reproaching us for delaying the Trial unnecessarily.

If, furthermore, as your Lordship has pointed out, the reason no longer exists which caused the Tribunal duly to order that those parts of documents which were to become the subject matter of the Trial should be presented orally, then I should like to point out that the vast majority of the documents which were produced at the time and accordingly also presented verbally in part were already at that time available in fourfold translation.

Furthermore, I should like to point out that this documentary evidence, if it is to be comprehensible to the Tribunal and if it is to serve the purpose of establishing the truth, without doubt in many cases calls for explanatory comments by the Defense Counsel. The possibility of such comment would be removed if we are instructed to submit these documents to the Tribunal *in toto*.

As far as I have been able to ascertain, without wanting to prejudice anybody, my colleagues have by no means any intention of quoting the entire contents of the document books. As far as I understand it, they have in most cases rather the intention of presenting excerpts which they are going to designate, and the relevancy of which may then be discussed if occasion arises. Even such selection of those parts of the documents which are considered to be really relevant would not be possible if the Tribunal followed Mr. Justice Jackson's suggestion. Likewise, as I said before, it would not be possible to point out, in documents already read by the Prosecution, those parts which have not been read but which are exonerating for the defendant.

If it has been said—and your Lordship has pointed it out—that the Defense Counsel have an opportunity to quote these parts of the

documents during their address, then I believe I agree with the Judges that the address should, if possible, be a coherent and terse summary, evaluating the entire substance of the Trial. If we are now instructed to refer to parts of documents during the address and quote explicitly once more those to which we attach importance as evidence, but which we would not mention at all or only incidentally or summarily in connection with a comprehensive evaluation, then the danger arises that the coherence or, let us say, the bold outline of our address would suffer by a recital of the subject matter in detail. And the further danger arises that the time which Mr. Justice Jackson wishes to save through his suggestion will be lost again because the final address will take so much longer, which need not be if it is strictly a summary, an over-all evaluation, in accordance with its purpose.

I consider it even possible that later on, if possibly in the confines of our address a difference of opinion as to the relevancy of an individual document might arise, there might be considerable delay and disturbance in the proceedings, whereas, if one can submit the document in its essential parts at this time, together with statements to explain and connect them, one would have an immediate opportunity to state just why one considers the part presented as relevant, so that the Tribunal would have an opportunity to make a decision as to relevancy now.

In my opinion there are many points which speak against Mr. Justice Jackson's suggestion. I summarize: As far as I am concerned, the most important point of view is that of fairness and justice. The Defense Counsel, as I have ascertained beyond any doubt by conversations during the recess, must and would consider it a severe and intolerable limitation of the Defense, if, contrary to the procedure exercised so far by the Prosecution, it were deprived of the possibility of presenting, in its turn, at least the relevant parts of its own documentary evidence to the Tribunal verbally and with comments. I am of the opinion that it is a simple postulate of fairness in the forensic engagement between Prosecution and Defense that now the Defense, too, should be given the same opportunity. And this is not meant to be criticism either but merely a statement of fact, of which the Prosecution have availed themselves to a considerable and sometimes cumulative extent.

May I request, therefore, and I think my request is supported by the entire Defense that the suggestion of Mr. Justice Jackson be rejected.

THE PRESIDENT: One moment. You began your address by saying that you would not refer to the Charter. On what Article of the Charter do you rely for your argument that all documents which are presented must now be read?

DR. DIX: I said that I would not refer to individual provisions of the Charter as a basis for my application. As a basis for my application I have merely mentioned the heading of Part IV of the Charter which says, "Fair Trial for Defendants," and I have explained and need not repeat that I would not consider it a fair trial if Mr. Justice Jackson's suggestion were followed. However, I have deliberately—although my attention was drawn to specific provisions of the Charter which, directly or indirectly, might be used as a legal construction to support my application—I have refrained deliberately from doing so, since these individual rules in my opinion are not convincing.

The principle of justice and fairness however is sufficiently strong in my opinion, and so are the other arguments of practicability and feasibility which I took the liberty to present to the Tribunal. I think there must be a misunderstanding.

THE PRESIDENT: But you will not have omitted to notice that Article 24 deals expressly with the course of the Trial. Do you rely upon any part of Article 24?

DR. DIX: No, no. I have deliberately not referred to any part of Article 24, since that article gives considerable powers of discretion to the Tribunal, regarding the general rules of procedure which, in my opinion, have nothing to do with the question under discussion at present. This is merely a question of justice and fairness, and, if I may add this, it is a fundamental rule of oral trial. We now have an oral trial, we now have a trial in open session. It is in existence here. I am not sure whether or not the open session is prescribed by the Charter, but it exists. Since it is in existence, we must proceed in accordance with these principles and therefore, in my opinion, the defendant has also the right to present to the public of the world what is in his favor after the Prosecution have presented to the public of the world what is not in his favor.

THE PRESIDENT: I want to ask you another question: Are you suggesting that the Defense should be able to quote, to read documents, more than once?

DR. DIX: I am not suggesting that in any way. As far as I am concerned, my documents of course will be read only in part and certainly not twice. I have merely said that the Prosecution have done so, that is, have read documents twice; sometimes even three times, I am told. But it is not my task to criticize that conduct of the Prosecution; that is the Prosecution's business. I am not here to make criticism; that is up to the Tribunal and the Prosecution. I have merely stated the fact.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal would like to put a further question to Dr. Dix before they hear you, and also . . .

MR. JUSTICE JACKSON: I would like to make a simple statement of fact . . .

THE PRESIDENT: Please do.

MR. JUSTICE JACKSON: . . . which I think will clarify this situation some in justice to the United States of America.

As to the fairness, I call the Tribunal's attention to the fact that we have printed, mimeographed, 250 copies of Dr. Stahmer's entire document book, and it is in the press room waiting for delivery to the press when it is received by this Tribunal, so that we have done everything that we could, everything that we did for ourselves, to make public his documents.

In the second place, we have gone so far as to print even things that the Court ruled out, rather than to have controversy with them.

In the third place, it is not the function of the Tribunal, under the Charter, to spread propaganda. A large part of this is stuff that is 20 years old and is in every good library and will not be used by newspapers and constitutes a waste of our money. We have tried to do everything in order to make this Trial completely fair to these people, and now that I have discovered that we are printing documents that the Court have already ruled out, I must say that I shall stop it. I think we have been imposed upon, and this document book will show it. There are documents after documents that the Tribunal have already ruled irrelevant, and we have gone to the expense of printing them in order to be more than fair.

DR. DIX: May I answer to that very briefly? As far as the point of view of propaganda is concerned, I regret that my suggestion has not been followed, according to which the public and the world would hear only those parts of our document books which have been recognized as relevant by the Tribunal, and then presented by us. If the contents of the document book do produce certain propaganda effects, which is unknown to me and which would be entirely against our intentions, then it is merely due to the fact that the contents of these document books have been submitted to the press not through legal and normal channels or let us say not by due procedure, that is, from the sessions' records; instead these document books of the Defense were placed at the disposal of the press without our knowledge, and therefore also such things were communicated to the press and the world public which, in the opinion of the Tribunal, circumstances permitting, may be irrelevant or perhaps biased. Please do not misunderstand me. I am not saying that they are; I am merely talking in the abstract. But if you want to avoid just what Mr. Justice Jackson wishes to avoid, namely, that political propaganda is made by means of this Trial, then you must follow my suggestion; I want only that to be presented and brought to the

knowledge of the world which has here been considered relevant by the Tribunal and admitted for presentation.

Due to the excitement in Court it is very difficult to understand every word correctly through the earphones, but if Mr. Justice Jackson meant that we are trying to obtain a propaganda effect here, that is not the case. If he further mentions the point of fairness insofar as the Prosecution had done everything to inform the world public by placing at its disposal all the document books, then I have no criticism to offer in that respect. Far be it from me to call that unfair. But here we are in Court, having proper proceedings. We are not making press propaganda; rather the press is to gather information and report to the world about this Trial from this courtroom. The Defense are only grateful if their efforts to carry through proper proceedings with full information to the press are supported by the Tribunal.

But this is not the crucial point. I have not accused anybody of being unfair. I have merely emphasized that it is a requirement of fairness to let the Defense do the same things which have continually and repeatedly been done by the Prosecution.

THE PRESIDENT: Now, Dr. Dix, will you tell me this: What suggestion do you have for shortening the Trial? You must recollect in the criticism that you have been making of the Prosecution's case with reference to their documents, that their case has been based almost entirely upon documents. They have called—I do not know how many witnesses, but very few witnesses. You and the other defendants' counsel are proposing to call a very great number of witnesses, and what I would ask you is: How do you propose that the Trial should be shortened so that it may not last until the end of July or August?

DR. DIX: If I make a suggestion, then I can of course do so only for myself and for the case I have to defend. May I suggest, Your Lordship, that we begin with producing the documentary evidence, and I would ask you to realize that, if I am not mistaken, none of the Defense Counsel intends to read his entire document book here before the Tribunal. Whomever I have asked, at any rate the majority, certainly did not intend to do that. Those with whom I have spoken want to quote excerpts only, and in the choice of these excerpts and in the discussion of whether their presentation would be relevant, a measure could be applied which would, of course, take into consideration the necessity of the matter as well as the question of time. I do not think that the presentation of the documents will take a very long time. My colleague, Dr. Stahmer, for instance, has told me that although he has an enormous and important case to defend, he believes that he will probably complete his case in about 2 hours or maybe in even less than 2 hours. I am

not a prophet, but I think the Tribunal is considering the matter as more hazardous than it is in fact. Please give us a chance. You may certainly assume that all of us are anxious not to delay the proceedings. Also we are quite willing to take advice if the Court says, "We do not consider this or that important," or, "This or that we consider already demonstrated," or "We presume this or that," *et cetera*. That way we will make fast progress. May I, therefore, suggest not to lay down now any obligatory abstract rule for the procedure to be followed but to go to work with us now in a practical manner and to accept our assurances that we want to assist in shortening the Trial and, to begin with, start from the standpoint that we may present what we consider relevant. If it should turn out that too much time is being taken up—which, as I have said, I do not believe—then we could still discuss that matter once more and after all, the Tribunal is at liberty to make its decisions. All I ask is that it not be done now because I am afraid that the Tribunal, on the strength of the experience with the documentary evidence of the Prosecution, is overestimating the time required for the presentation of our documentary evidence, in which connection I again repeat that this is neither reproach nor criticism. I know that the Prosecution have based their case mostly on documents, and therefore naturally had to take more time.

THE PRESIDENT: Thank you, Dr. Dix. The Tribunal would like to hear—of course, they cannot hear all the defendants' counsel on this matter, but they would like to hear one other representative of Counsel.

DR. KUBUSCHOK: May I draw the attention of the Tribunal back to the legal aspect of the matter?

The Tribunal quite rightly raised the question: What does the Charter say regarding evidence? The difficulty is caused by the fact that specific rules on this matter are not contained in the Charter. Regarding the procedure, we have Article 24. This Article 24 refers to the session—the session, which, according to the legal language used in all kinds of criminal procedure, can mean nothing but the oral hearing and the verbal debate. What is lacking in Article 24 is a paragraph which concerns specifically the taking of documentary evidence. But may I draw your attention to subparagraph (e). There the rebuttal of evidence given by witnesses is discussed, the rebuttal, which of course, is concerned not only with the presentation of witnesses but also with the submission of documents.

It is specifically provided there that the evidence should be taken. At any rate, based on the German text and German usage of language, it would not be permissible at all if this evidence taken in the presentation were not produced now during Court sessions

but if that evidence, on the basis of the presented extensive written material, were dealt with in the separate rooms of the Judges.

It is a particularly important principle of a colleague-like Tribunal, of a Tribunal which consists of several Judges, that the impression which is to be conveyed to the Tribunal should be coherent and direct. That can be achieved only if the material is presented and discussed in oral proceedings.

May I ask you to consider also that we have already acquired some experience in that respect during this Trial. I am sure that everyone who has presented a document has been very grateful to the President of the Tribunal when he interfered during the quotation of the document by limiting here or extending there, and, by doing so, let the Prosecution or the Defense Counsel, who were quoting the document, know the opinion of the Tribunal as to what is relevant. Our experience has been that this guidance by the Tribunal had favorable results later on.

As for the legal aspect, may I draw your attention to Article 21, which contains a special provision, a special provision regarding those facts which are of common knowledge and do not require any discussion. This special provision of Article 21 clearly reveals the difference between these facts and those which may be and need to be discussed. Everything that may be and needs to be discussed must be presented in court in some way so that the Tribunal has the possibility to intervene here also and to make explanatory and guiding comments. That is what I have to say as to the legal aspect of the matter.

Apart from that, I believe that I understood Mr. Justice Jackson's suggestion somewhat differently. First of all, I think Mr. Justice Jackson's suggestion has been somewhat enlarged during the debate. I think his suggestion was that we, as Defense Counsel, should impose certain restrictions upon ourselves not to present the submitted documentary material indiscriminately, but to confine ourselves to choosing those parts which are really worth mentioning and which call for presentation at the present stage of the Trial.

To undergo such a restriction is certainly in line with the practical duty of the Defense Counsel. Nothing is more fatal to the Defense or the Prosecution than going into detail, that is, elaborating on irrelevant facts.

Particularly under firm and strict guidance of the procedure, every Defense Counsel will soon notice whether he is on the wrong track, whether he is presenting superfluous material and, by presenting superfluous material is achieving an effect which he in no case wishes to obtain.

I therefore believe that, as my colleague, Dr. Dix, just said, the self-control of the Defense Counsel and a well-concerned interest in

his case and in his client will automatically impose on him the necessary limitation in his presentation.

[Dr. Seidl approached the lectern.]

THE PRESIDENT: I said on behalf of the Tribunal that we wished to hear two counsel.

DR. SEIDL: I wanted to add only very briefly some remarks to what my two colleagues have already said—very briefly.

THE PRESIDENT: Yes, but then it may be possible that every one of the 20 or more counsel who are present wish to add something.

DR. SEIDL: I do not know, but I do not think so.

THE PRESIDENT: I said two counsel, and I meant two counsel.

DR. SEIDL: Very well.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal would like to know whether you have anything to add in reply to what has been said.

MR. JUSTICE JACKSON: I think nothing. I thought I was saving time. I begin to doubt it.

THE PRESIDENT: Mr. Justice Jackson, I think the Tribunal would like to know exactly how far your suggestion went. Were you really making any further suggestion than this: That the defendants' counsel should not think it necessary to read every document in their document book in the course of the presentation of their defense, or were you intending to move the Tribunal to order that they should not be allowed to read any document in their document book at this stage?

MR. JUSTICE JACKSON: I thought their document book should be directed to be filed as an exhibit at this stage of the case, without reading. I would not be particular about it if they have passages they think are of particular importance which they want to call to your attention, but this document book consists of speeches made 15 years ago and published in the press in every complete library in the country, largely, together with a good deal that has been excluded. It would seem to me that they should go in, so they are available to them, and that if there are matters in them which particular countries wish to object to, they might raise the question by motion to strike or raise it now if they desire. As far as the United States is concerned, we have no objection to any of it. I think some of it is highly objectionable on the ground of relevancy, but it would take longer to argue it and it goes to certain large questions of reprisals and things of that character that will have to be settled in larger ways than questions of admission of evidence.

THE PRESIDENT: Would you, on behalf of the Chief Prosecutors, have any objection or think it inadvisable to adopt the suggestion which Dr. Dix made that we should see how far the defendants' counsel were prepared to limit the amount of the documents which they read at this stage and see how long it takes and see whether it is necessary to make any further ruling in order to accelerate the Trial?

MR. JUSTICE JACKSON: Well, I am quite willing to experiment, but I do suggest that we are now handed a document book containing a number of documents that the Court has passed upon, and, as I recall, Your Honor called Dr. Stahmer's attention to this at the opening of his case. I do not have so much faith, perhaps, as I ought to have.

THE PRESIDENT: I think it is very likely that documents have got into Dr. Stahmer's book by mistake, owing to the fact that he, being for the first defendant, there were some difficulties in preparation for instance, and I have already drawn attention to it. I think there is in Dr. Stahmer's book—I am not quite sure—a speech of Mr. Paul-Boncour which has been expressly denied by the Tribunal, and those are the sort of documents to which you are referring, no doubt. And I had to draw attention also in the case of one other counsel, I think, or one other witness to a document being put to him which the Tribunal had expressly denied. But of course, that is very wrong that any document should be put into a document book which the Tribunal has expressly denied, but as I say, I think that is very likely due to some mistake.

MR. JUSTICE JACKSON: I am quite ready, and I am sure my colleagues are, to experiment with this and see how it goes.

It is—and I think I should say this for all of us—it is a difficult thing where we come from different systems and do not always understand what the other man is driving at; it is a difficult thing to reconcile these different procedures, and I am quite willing to be patient and forbearing about it and see how it works.

THE PRESIDENT: Thank you.

You must quite understand, Dr. Stahmer, that I am not making any ruling on behalf of the Tribunal at this moment as to whether or not Dr. Dix's suggestion will be adopted, because the Tribunal will proceed now to consider the matter, and then the ruling will be made.

DR. STAHMER: Mr. President, may I make just a personal explanation? The inclusion in my document book of the documents which had been denied is due to the following facts: At the request of the Translation Division the document book had already been

handed to that division before the Tribunal had made its negative decision, and that accounts for the inclusion. I was put under considerable pressure at the time to hand the book over so that it might be submitted to the Court in translated form. That is how it happened.

THE PRESIDENT: I thought it was probably that, Dr. Stahmer.

The Tribunal will adjourn now until 2:30.

[The Tribunal recessed until 1430 hours.]

Afternoon Session

THE PRESIDENT: In considering the matters which have been raised this morning, the Tribunal has had in mind the necessity for a fair trial and at the same time for an expeditious trial, and the Tribunal has decided that for the present it will proceed under rules heretofore announced; that is to say:

First, documents translated into the four languages may be introduced without being read but in introducing them counsel may summarize them, or otherwise call their relevance to the attention of the Court, and may read such brief passages as are strictly relevant and are deemed important.

Second, when a document is offered, the Tribunal will hear any objections that may be offered to it and in this connection, I would refer to the rule which the Tribunal made on the 8th of March 1946, which reads as follows:

> "To avoid unnecessary translations, Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use in order that the Prosecution may have an opportunity to object to irrelevant passages. In the event of disagreement between the Prosecution and the Defense as to the relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need to be translated, unless the Prosecution requires the translation of the entire document."

The Tribunal has allowed the Defendant Göring, who has given evidence first of the defendants and who has proclaimed himself to be responsible as the second leader of Nazi Germany, to give his evidence without any interruption whatever, and he has covered the whole history of the Nazi regime from its inception to the defeat of Germany.

The Tribunal does not propose to allow any of the other defendants to go over the same ground in their evidence except insofar as it is necessary for their own defense.

Defense Counsel are advised that the Tribunal will not ordinarily regard as competent evidence, extracts from books or articles expressing the opinions of particular authors on matters of ethics, history, or particular events.

Now, as to tomorrow's business, the Tribunal will sit in open session for the purpose of hearing applications for witnesses and documents, supplementary applications; and after sitting in that open session, the Tribunal will adjourn into a closed session.

Now, Dr. Stahmer, are you going to refer us to book Number 1? Which is your book? Or are you referring us to your trial brief?

DR. STAHMER: Mr. President, I shall refer to the trial brief, Page 5. As far as I am informed, the translations show the same numbers as the original German text: Page 5, Paragraph II. Since this book is translated into the three languages, and the document book, I am informed, is also translated, I can limit myself to referring to them briefly to present only what I consider essential.

At the beginning of my presentation from this book I pointed out that Germany had renounced the Treaty of Versailles and the Locarno Pact, and that this renunciation as such was justified. After this renunciation had taken place, Germany could proceed to rearm and also to reintroduce general conscription.

Moreover, rearmament and the reintroduction of military conscription were ordered by Hitler only after he had previously and repeatedly submitted, without success, offers of disarmament to the powers concerned. Therefore the conclusion cannot be drawn from that fact alone that at that time the intention existed to prepare or to plan German wars of aggression. In this connection I draw your attention to the fact that also in foreign countries rearmament took place to a considerable degree from 1936 on, and as evidence for this fact I have submitted the speeches and essays which are contained in Churchill's book *Step by Step*. The individual excerpts have been designated by me. I am referring to the following in particular. On Page 5 of this book it says . . .

THE PRESIDENT: Dr. Stahmer, you must offer these things in evidence as a matter of formality.

DR. STAHMER: Yes, of course. I have the book here with me. I shall submit it immediately; I also have the individual excerpts here which are included in the document book. It is Document Book 2, Page 44, the first excerpt in Volume 2, Page 44.

THE PRESIDENT: Are you going to number your exhibit in some way?

DR. STAHMER: Yes.

THE PRESIDENT: You have numbered it 40 I see, is that right?

DR. STAHMER: Yes. That is the number in this book. I have numbered these books right through.

THE PRESIDENT: Yes, but whatever number you propose to use you must say what the number is when you offer it in evidence, so that it will go into the transcript.

DR. STAHMER: Yes, Mr. President.

The quotation is from Document Book Number 2 and it is Number 40 on Page 9:

"On 18 June the Anglo-German Naval Treaty was signed, which released Germany from the Versailles naval restrictions. That meant in effect condonation of the breach of the military clauses."

On Page 35:

"The Air Force is in the process of being almost trebled. This is a colossal expansion which is making the most prodigious demands on our production potentialities. But quite apart from these immediate needs, there is the far greater task of so organizing England's home industries that they will be ready to direct the whole of their enormous and elastic capacity into the channels of war production as soon as a serious necessity for that should arise."

From the article "In the Waters of the Mediterranean" dated 13 November 1936, I quote, on Page 86, where it says literally:

"But it is no longer thus. England has begun to rearm on a large scale. Her wealth and her credit, the solidarity of her organization, her vast resources and connections, all contribute to this revival. The British fleet is still by far the mightiest in Europe. Enormous yearly expenditure on it is under consideration for the future."

Furthermore, I wish to produce evidence of the fact that the Defendant Göring particularly, at various times, beginning after the seizure of power, consistently emphasized his serious desire to maintain peace and to avoid a war. He has also repeatedly stated clearly that the measures taken by Germany were not to serve purposes of aggression. As evidence of this I refer to several speeches made by the Defendant Göring, and to begin with I cite a speech of 4 December 1934, which he made at the Krupp works in Essen, and which is contained in the book *Hermann Göring's Speeches and Compositions,* Pages 174 to 176, and is reprinted in Document Book Number 1, Page 18.

From this excerpt I wish to quote only the following:

THE PRESIDENT: I do not think the shorthand writer has yet heard what the exhibit number is.

DR. STAHMER: I beg your pardon. It is Exhibit Number 6. I quote—and it is the last sentence of the first paragraph:

"Today we want to secure this peace, and we want the world to understand this always: That a respected Germany only is a guarantor of world peace. Only a free German nation will keep this peace and will know how to preserve this peace.

"Therefore we demand for ourselves the same rights as others possess."

And on the following page, I quote the last paragraph:

"We do not want war, but we want our honor. We will not discuss this honor with anybody in the world; that remains, for it is the foundation for the reconstruction of the entire nation. Only he who has a sharp sword at his side is unmolested and has peace."

Sir Nevile Henderson emphasizes Göring's love of peace in various passages of his book *Failure of a Mission.* The passages are quoted again in Document Book Number 1, Page 63, and I offer it as Document Number 23, Exhibit Number Göring-2. I quote from Page 78 of the book.

"I"—that is, Henderson—"was inclined to believe in the sincerity of his"—that is, Göring's—"personal desire for peace and good relation with England."

On Page 83 of the book, it says:

"I would like to express here my belief that the Field Marshal, if it had depended on him, would not have gambled on war, as Hitler did in 1939. As will be related in due course, he took a decisive stand for peace in September 1938."

On Page 273, which is the next page, there is the following sentence which I quote:

"I saw the Polish Ambassador at 2 a.m. on 31 August 1939, gave him an objective, and studiously moderate account of my conversation with Ribbentrop, mentioned the cession of Danzig and the plebiscite in the Corridor as the two main points in the German proposals, stated that so far as I could gather they were not on the whole too unreasonable, and suggested to him that we recommend to his Government that they should propose at once a meeting between the Field Marshals Smigly-Rydz and Göring."

On Page 276 of the book, you will find the following sentences which I quote from the last paragraph:

"Nevertheless, the Field Marshal seemed in earnest when after having been called to the telephone, he returned to tell us that M. Lipski was on his way to see Ribbentrop. He seemed relieved and to hope that, provided contact could only be established, war might, after all, be avoided."

In February of 1937, the Defendant Göring, on the occasion of an international meeting of war veterans in Berlin, made the following speech, which is contained in the book *Hermann Göring, the Man and His Work,* on Page 265, and which is contained in Document Book 2, Page 42, which is Exhibit Number 39, and from which I quote the following sentences:

"There are no better defenders of peace than the old war veterans. I am convinced that they, above all others, have

a right to ask for peace and to shape it. I recognize that those men who, weapon in hand, went through 4 hard years of the hell of the World War, have the primary right to shape the life of the nations, and I know that the war veterans more than anybody else will take care to preserve the blessings of peace for their countries."

I skip two sentences and then quote further:

"But we know that it is a terrible thing, this final contest between nations. It is my fervent and heartfelt wish that this Congress may contribute towards the basis for a true peace with honor and equality of rights for all sides. You, my comrades, will have to pave the way for that."

The same desire is evident in the answers given by Lord Halifax to the questions put him. I now read the following passages from this interrogatory and I offer the original as Document Number Göring-22. It is contained in Document Book I, Page 59.

I think I can omit the first two questions. The third question is:

"Did Göring say to you during this discussion, 'Every German Government would consider the following matters as an integral part of its policy: (a) The incorporation of Austria and the Sudetenland into Germany; (b) The return of Danzig to Germany with a reasonable solution of the Corridor question'?

"Answer: Yes.

"Question 4: Did you answer thereupon: 'But, I hope without war'?

"Answer: I said that His Majesty's Government wanted all questions affecting Germany and her neighbors settled by peaceful methods. I did not otherwise discuss those questions.

"Question 5: Did Göring answer thereupon:

" 'That depends very much upon England. England would be able to contribute much to the peaceful solution of this question. Göring does not want war either for these reasons, but these questions have to be settled under all circumstances.'

"Answer: Yes."

The next questions concern the conversation with Dahlerus . . .

THE PRESIDENT: Does that purport to be a verbatim account of what the Defendant Göring said? Did he refer to himself in the third person, "Göring does not want a war," meaning, "I do not want a war"?

DR. STAHMER: He did not want a war either. England would be able to contribute much to the peaceful solution of this question.

He does not want war either for these reasons. He, that is, Göring does not want war either, but these questions have to be settled under all circumstances.

This is, of course, indirect speech. In direct speech it would be, "I, Göring, do not want war, but the questions have to be settled under all circumstances."

The next questions refer to Dahlerus. Question 15, which is the question put to Halifax, is also of importance in my opinion:

"Did you have the impression that Göring's endeavors to avoid war were sincere?"

The answer of Halifax is:

"I have no doubt that Göring would have preferred to enforce the German demands on Poland without war, if he could have."

At the end of June or the beginning of July 1938, the Defendant Göring made a speech to the Gauleiter at Karinhall which was distinctly a speech for peace. I am referring to a statement from Dr. Uiberreither of 27 February 1946, the original of which is being presented as Document Number 38, Exhibit Number Göring-4, and is given in Document Book Number 2 on Page 37.

THE PRESIDENT: You are putting in these originals, are you?

DR. STAHMER: Yes, indeed.

In that statement from Dr. Uiberreither, dated 27 February 1946, at Page 38 in Document Book Number 2, Your Honor, it says:

"On 25 May 1938"—says Dr. Uiberreither—"that is, after the plebiscite concerning the reunion of Austria with Germany, which had taken place on 10 April 1938, I was appointed Gauleiter of Gau Steiermark.

"A few weeks later—it may have been towards the end of June or the beginning of July 1938—the former Field Marshal Hermann Göring summoned all Gauleiter of the German Reich to Karinhall.

"He there delivered quite a long address to the Gauleiter, describing the political situation as it was at the time, and discussing in detail the purpose and significance of the Four Year Plan.

"Field Marshal Göring first pointed out that other countries had little understanding for the political developments in Germany, and that consequently there existed the danger of Germany's being encircled. Directing German foreign policy was therefore a difficult task. Consequently, we should endeavor to strengthen Germany from the economic and military point of view, in order to reduce the danger of Germany being attacked by a foreign power. At the same time, this

would result in Germany once more exercising an increasingly important influence in European politics after she had again become strong.

"After that, Field Marshal Göring discussed the Four Year Plan. In this connection he remarked:

"By and large, Germany was cut off from the world's sources of raw materials and she therefore had to open up sources in her own territory by dint of increased efficiency. This would be done merely in order to make Germany independent of foreign countries, and was not by any means to serve the purpose of preparing for an aggressive war.

"He then stressed, with great emphasis, that Germany's foreign policy would have to be conducted in such a way that war should not ensue under any circumstances. The present generation was still feeling the effects of a lost World War; the outbreak of another war would be a shock to the German people. Furthermore, it was his opinion that a new war might assume great proportions, and even the outcome of a war against France alone would be questionable.

"In conclusion, he summarized his address by saying that we had to do everything in our power to make the Four Year Plan a success, and that all hardships caused thereby must be borne by the people and were justified, because its success might prevent war.

"I point out that I remember all the details of this speech so accurately because this was the first time that I was informed by a leading personality of these conditions which were so important for Germany, and because, as a result, until the war actually started, I did not believe that it would come to a war."

In the solution of the Austrian problem no aggressive action on the part of Germany is to be seen. It took place in response to the desires of the majority of the Austrian population for reunion with the Reich. The defendant's view of this problem can be seen from the telephone conversation he had with the Foreign Minister Von Ribbentrop on 13 March 1938. The record of this conversation has already been produced under Document Number 2949-PS, Exhibit Number USA-75. I shall quote from this conversation some passages which have not yet been read. The conversation is contained in Document Book Number 1, Pages 55-56. I am going to quote only the following passages:

"I want to say one thing: If it is said"—this is Göring talking —"that we have used pressure on the Austrian people and done outrage to their independence, it can be said that only one thing was put under pressure, but not by us, and that

was the tiny little government. The Austrian people are free only now. I would simply suggest to Halifax, or to a few really important people whom he trusts, that he just send them over here so they can look at the picture. They should travel through the country, they can see everything."

And a few sentences later:

"What state in the whole world is being harmed by our union? Are we taking anything from any state?"

Then it goes on, I skip two sentences:

"All the people are German; all the people speak German. Thus there is not a single other state involved."

The Defendant Göring—I am referring to Page 11 of the book next to the last paragraph—did not only wish to maintain peace abroad; he also supported the preservation of peace at home. In this respect he declared in a speech he made on 9 April 1933 at the Berlin Sports Palace—it appears in the book *Hermann Göring's Speeches and Compositions,* and is reproduced in Document Book Number 1, Page 35, and I am offering it as Document Number 13; I quote the first sentence:

"On the other hand, however, my compatriots, we ought also to be generous. We do not wish to practice petty revenge. After all, we are the victors.... Therefore, let us be generous, let us realize that we also thought differently at one time."

And then a little further down:

"... the stronger and freer we feel ourselves to be, the more generously, the more freely are we able to disregard what happened in the past and to extend our hand with complete sincerity in reconciliation."

I further quote from a speech of the defendant on 26 March 1938, Document Book Number 1, Page 37, likewise a quotation from *Hermann Göring's Speeches and Compositions,* the exhibit number of which is 14. I quote only one sentence from it:

"... you were great in suffering and enduring; you were great in standing firm; great in fighting. Now you must show that you are also great in kindness, and especially so towards the many who were misled."

His attitude towards the Church the defendant has...

THE PRESIDENT: Dr. Stahmer, can you not give the exhibit number?

DR. STAHMER: Yes, I think it was Number 13. I shall look again. It was Number 14.

His attitude towards the Church was expressed by the Defendant Göring in several speeches. In this respect, on 26 October 1935,

he made the following statement. I am quoting from *Hermann Göring's Speeches and Compositions,* Document Book 1, Page 39, Document Number 15, the following sentences:

"It rests with the Church alone whether it wishes to have peace. We, the Movement, and in particular the Government and the State, have never attacked the Church; we have assured protection to the Church, and the Church knows that it enjoys this protection also today to the fullest extent.

"Therefore, there is nothing to warrant blaming us for anything in this respect."

And from another speech of 26 March 1938, which is also quoted from *Hermann Göring's Speeches and Compositions,* Document Book Number 1, Page 41, Document Number 16, I quote the first and the second sentences:

"We do not wish to annihilate any Church, nor to destroy any belief or religion. All we want is to bring about a clear separation. The Church has its definite, very important and very necessary tasks, and the State and the Movement have other, just as important and just as decisive, tasks."

I refer further to a document submitted by a clergyman Werner Jentsch, dated 30 October 1945, addressed to this Tribunal, Document Book Number 1, Pages 44 to 46, Exhibit Number 17.

I quote only one sentence, Figure 8:

"Hermann Göring himself, through his chief adjutant, had the following answer given to a petition for the introduction of a special chaplain's office within the headquarters of the Air Force; that he could not at the moment do anything because Adolf Hitler had not yet made a final decision concerning the question of religion. However, he wished full freedom of religion in the Air Force, including the Christian denominations, and every member of the Air Force could choose for himself whatever chaplain or civilian pastor he desired."

The affidavit from Gauleiter Dr. Uiberreither, dated 27 February 1946, deals with the question which I mentioned earlier and which is contained in Document Book Number 1, Page 31. It, under Figure 2, deals with the events of the night of 9 to 10 November 1938 and the knowledge thereof, as follows:

"A few weeks after the action against the Jews on the night of 9 to 10 November 1938—towards the end of November or the beginning of December 1938—Field Marshal Göring again called all the Gauleiter to Berlin. During this meeting he criticized the action in harsh words and stated that it had

not been in keeping with the dignity of the nation. Moreover, it had also seriously lowered our prestige abroad. If the murder of Legation Counsellor Von Rath was regarded as an attack by Jewry against the Reich, then the German Reich had other means of countering such an attack than appealing to the baser instincts. In an orderly state no irregular mob action ought to take place under any circumstances."

And in the last paragraph, under Number 2, it says:

"In conclusion, he asked the Gauleiter to use their entire influence to see to it that such incidents, which were detrimental to Germany, would not recur in the future."

I can skip Page 16, Paragraph 5, as an explanation on that has already been given.

That the Defendant Göring took his duty as Supreme Administrator of Justice very seriously becomes apparent from an affidavit of Judge Advocate General Dr. Lehmann of 21 February 1946. I shall read from this affidavit in Document Book Number I, Page 106, Document Number 27, Exhibit Number Göring-6. I quote from Figure II onwards:

"II. The opinion I have of him is the following:

"The Reich Marshal originally took a negative attitude toward lawyers. He was evidently influenced by the Führer. This attitude underwent a change to the extent that he occupied himself with legal matters of the Air Force. At the end of the war the Reich Marshal was one of the high commanders who liked to consult lawyers. He took special interest in the legal department of the Air Force and attached great importance to it. He assigned to this department difficult cases for investigation concerning which he was sceptical of the reports of the other offices."

From the following paragraph:

"The Reich Marshal had himself thoroughly informed concerning matters which I had to discuss with him. He devoted an unusual amount of time to these matters. The conferences, even when there were considerable differences of opinion, took a quiet and objective course."

Then from Paragraph III:

"III. Concerning the legal department of the Air Force, the Reich Marshal reserved for himself the confirmation of sentences in many cases, including all death sentences.

"In passing judgment on individual cases he was inclined to show occasional leniency—in spite of the harshness demanded of all judges by the Führer. In cases of treason,

and especially in moral crimes, he showed merciless severity. I know from the records that in severe cases of rape he would often reverse a judgment because he considered the death sentence was necessary. It did not matter whether the woman involved was from Germany or from the occupied territories. I believe that I remember at least one case from the records where he even changed the regular manner of execution and ordered that the soldier be hanged in the Russian village in which he had committed the rape.

"IV. When presiding at a trial the Reich Marshal was very forceful but benevolent; also in his recommendations for mercy to the Führer.

"V. In his own decisions the Reich Marshal doubtless knowingly often acted contrary to the ideas and demands of the Führer, especially in political matters, which he judged much more mildly, and in cases of excesses against inhabitants of the occupied countries, which he judged much more harshly than the Führer.

"I have often discussed the personality of the Reich Marshal with his legal adviser, a very experienced, quiet, and conscientious lawyer, as well as with the Judge Advocate General, who was distinguished by the same qualities, and was often with him. We were of one opinion about the Reich Marshal."

In the course of this Trial, the Prosecution has repeatedly referred to the so-called Green File, which was submitted under Document Number 1743-PS. This is not, as the Prosecution maintains, a regulation for the spoliation and annihilation of the population. Its object was rather the economic mobilization and the uninterrupted operation of industry, the procurement and regular utilization of supplies, and of transport facilities in the territories to be occupied by military operations, with special consideration of the fact that Russia had no private enterprise, but only a strict centrally regulated state economy. In addition to that, vast destruction had to be anticipated in view of the Russian attitude. Nowhere does it contain an order or directive to exploit certain groups of the population beyond the necessities caused by the war.

From that Green File I have cited a whole series of passages which are to prove my statements. I cannot refer to them in detail; I should like to draw your attention only to one very characteristic passage which is on Page 94 of this Green File, second paragraph:

"Among the native population, that is, in this case, workmen and clerical employees, the best possible relationship is to be established."

Somewhat below, on the same page:

"Endeavors must be made for good relations with the population, in particular also with the workers in agriculture."

I am now coming to the next paragraph:

The German Armed Forces entered the war fully respecting the international conventions.

THE PRESIDENT: Where is this part?

DR. STAHMER: Page 23, Mr. President.

THE PRESIDENT: Which volume?

DR. STAHMER: In the trial brief.

THE PRESIDENT: We seem to have only 22 pages in our trial brief. Are there two volumes?

DR. STAHMER: Yes, I believe it is in the second trial brief. The division was made to accelerate the translation. May I continue?

The German Wehrmacht entered the war fully respecting the international conventions. No large-scale excesses by German soldiers were noted. Individual offenses were severely punished. However, immediately after the beginning of hostilities there appeared reports and descriptions of atrocities committed against German soldiers. These reports were carefully investigated. The result was recorded by the German Foreign Office in *White Papers,* which were sent to Geneva. In this way the *White Book* came into being which deals with the crimes against the laws of war and humanity committed by the Russian soldiers.

GEN. RUDENKO: Your Honors, Defense Counsel for Göring, Dr. Stahmer, intends to submit to the Tribunal and to read into the record excerpts from the so-called *White Book* which was published by the Hitler Government in 1941 in connection with some of the violations which supposedly took place concerning German prisoners of war. I consider that these excerpts cannot be submitted and read into the record here because of the following reasons:

There can be put in evidence only facts which refer to this case; there can be submitted to the Tribunal only documents which refer to the crimes which were perpetrated by the German major war criminals.

The *White Book* is a series of documents of invented data regarding violations which were perpetrated not by the fascist Germans but by other countries. Therefore the data contained in the *White Book* cannot serve as evidence in this case. This conclusion is all the more justified in that the *White Book* is a publication which served the purpose of fascist propaganda, and which tried by inventions and forged documents to justify or hide crimes which were perpetrated by the fascists. Therefore I request the

Tribunal to refuse the reading into the record, or submitting to the Tribunal, excerpts from the so-called *White Book*.

THE PRESIDENT: On what theory do you justify the presentation of this evidence, Dr. Stahmer?

DR. STAHMER: The question whether it is possible and permissible to refer to these *White Papers* during this Trial as a means of evidence, has been discussed repeatedly. In particular it was the subject of debate when we were concerned with the question of whether I should be allowed to refer to this *White Book* as evidence. So far as I know, it has been admitted as evidence for the time being. It was already pointed out, during the debate which arose in regard to this subject, that, as far as evidence is concerned, it is relevant for the evaluation of the motives.

At the time I already pointed out that the crimes committed against German prisoners of war are of importance in order to understand the measures taken on the part of Germany. One cannot evaluate the underlying motives of the men who committed these offenses, or gave orders to commit them, if one fails to consider the background against which these deeds were enacted, or investigate the motives which caused them to commit these acts. And because of the importance of the motive, in order to know about the accusations raised by the Germans, it seems to me that this reference to this document is absolutely necessary.

THE PRESIDENT: Have you finished?

DR. STAHMER: Yes.

THE PRESIDENT: Well, we are here to try major war criminals; we are not here to try any of the signatory powers. Therefore you must justify the introduction of evidence against the signatory powers in some legal way.

DR. STAHMER: The presentation, if I may repeat, is made for the following reasons:

The defendants here are accused that under their leadership crimes and offenses against members of foreign armed forces were committed which are not in accordance with the Geneva Convention. On our part we plead that if harsh treatment and excesses occurred on the German side, they were caused by the fact that similar violations occurred also on the other side, and that consequently these offenses must be judged differently and not be considered as grave as would be the case if the opposite side had conducted itself correctly. Anyway, these facts are relevant for the evaluation of the motive.

THE PRESIDENT: Are you attempting to justify the introduction of this evidence on the ground of reprisals?

DR. STAHMER: Not only on the ground of reprisals, but from the point of view of the motive for the deed.

THE PRESIDENT: You are asking us to admit a document, a German governmental document. Now, under the Charter we are bound to admit documents, governmental documents, and reports of the United Nations, but it is nowhere said that we are bound to admit or are at liberty to admit documents issued by the German Government. We cannot tell whether those documents contained facts truly stated or not.

DR. STAHMER: We have here in the document books, court records of legal inquiries. These must in my opinion have the same value as evidence as official documents. They were records of court proceedings which are quoted in the *White Book.*

GEN. RUDENKO: I should like, Your Honors, to point out only one thing here. Defense Counsel Stahmer tries to submit these documents in order, as he says, to present his reasons which would explain the crimes of the Germans. I should like to state here that these documents, which have already been submitted to the Prosecution, and which were mentioned yesterday here during the cross-examination of the Defendant Göring, show quite clearly that the document regarding the crimes was drafted before the beginning of the war.

THE PRESIDENT: Dr. Stahmer, what are the dates of these documents that you are asking us to admit?

DR. STAHMER: I have the individual ones here. Meanwhile I am having the records looked for.

MR. JUSTICE JACKSON: I suggest, Your Honor, that I support fully the objection made by General Rudenko. I had supposed that the one thing counsel on both sides were agreed upon, when this matter was under discussion before, was that no reprisals against prisoners of war are tolerated. Even my learned adversary, Dr. Exner, agreed that that is the law.

Secondly, certainly, we must know what crimes it is that are sought to be excused. Are these the motives for what crimes? Counsel says they are bare on their motives. Was it their motive in shooting American or British fliers, that there were some violations on the part of the Russians as they claim? The only way, it seems to me, that evidence of this character is admissible would be to bring it under the doctrine of reprisal very strictly by taking specific offenses and saying: "This offense we admit, but we committed it in reprisal for certain other specified offenses."

I submit that general allegations of this character and relating to prisoners of war are admittedly inadmissible and carry us far afield in the trial of this case.

DR. STAHMER: May I point out one more fact: For instance, I have here a telegram sent by the Foreign Office representative with the High Command of the Army to the Foreign Office, dated 12 August 1941. In other words, this is an official document, and until now the Prosecution has submitted official documents in considerable numbers which have been used as evidence against the defendants. If now an official document is being produced here to exonerate the defendants, I think that this also ought to be admitted and to the same extent, provided that this is legally permissible. The formal side of the matter is that we have here a telegram, as I said, from a representative of the Foreign Office with the Army High Command, that is, from an official authority, addressed to the Foreign Office, dated 12 August 1941. It says here, for instance: "In the captured operational report Number 11, of the 13th of last month, 10 o'clock, of the staff of the 26th Division, 1 kilometer west of Slastjena in the forest north of Opuschka it says: 'The enemy left about 400 dead on the battlefield . . .' "

THE PRESIDENT: You must not read it, as we are discussing its admissibility.

DR. STAHMER: I beg your pardon. I misunderstood you, Mr. President, you asked me what document . . .

THE PRESIDENT: The date of the *White Book.*

DR. STAHMER: The date of the *White Book,* I see, we misunderstood each other; it is Berlin, 1941.

THE PRESIDENT: That is not a date, that is a year.

DR. STAHMER: It says, "Bolshevist Crimes against the Laws of War and Humanity. Documents compiled by the Foreign Office, First Volume, Berlin, 1941." That is the name of the document; the date of its publication is not apparent from the book itself. The individual documents and preliminary proceedings are contained in this book, followed by a number of records which have individual dates.

THE PRESIDENT: Then there is nothing to show when that document was communicated, either to the Soviet Government or when it was communicated—if it was—to Geneva or to the Protecting Power.

DR. STAHMER: It was forwarded to Geneva. It was duly handed to the Red Cross in Geneva.

THE PRESIDENT: When?

DR. STAHMER: In 1941. I had proposed to obtain these books from Geneva and to bring in information from the Geneva Red Cross.

Mr. President, may I once more point out that it is an official document published by the Foreign Office. It is a series of reports compiled in an official publication.

THE PRESIDENT: That is not the real point that the Tribunal is considering. The question is, how can you justify in a trial of the major war criminals of Germany, evidence against Great Britain, or against the United States of America or against the U.S.S.R. or against France? If you are going to try the actions of all those four signatory powers, apart from other considerations, there would be no end to the Trial at all, and their conduct has no relevance to the guilt of the major war criminals of Germany, unless it can be justified by reference to the doctrine of reprisal, and this cannot be justified in that way. And therefore the Tribunal considers the document is irrelevant.

DR. STAHMER: I now turn to the subject of aerial warfare, evidence on Page 25 of my trial brief. Relevant to the question of guilt is the question whether the German Air Force started to attack open cities only after the British Air Force had carried out a great number of raids against nonmilitary targets.

SIR DAVID MAXWELL-FYFE: My Lord, I object to this evidence. I was not quite sure whether Dr. Stahmer had passed dealing with this evidence with regard to the air war, or whether he was illustrating his argument. I want to make it quite clear that I object to the first part of it as being too remote, that is, the evidence about the various conferences which took place with regard to the regulation of aerial warfare.

With regard to the second part of the evidence, I object to the documents which purport to show that Great Britain attacked nonmilitary targets. Where I have been able to check the allegations, I find there is a complete dispute as to whether the targets were military or nonmilitary targets, and therefore I cannot accept the German official reports as being evidence of any purported value on their part, and I respectfully submit that, unless the Tribunal had authority from the Charter, it ought to take the same line.

I make these two additional points to the points raised by my learned friends, General Rudenko and Mr. Justice Jackson, on the general question. I do not want to take up more time with the argument by developing that point. I will be pleased to help with any aspect of it.

THE PRESIDENT: It seems to me, Dr. Stahmer, that this matter stands upon exactly the same footing as the matter upon which we have just ruled.

DR. STAHMER: That is right. I believe that from this book on aerial warfare one document is of importance in my opinion, which

is quoted on Page 27. It is merely a statement by the French General Armengaud concerning the fact that the German Air Force operated in Poland in accordance with the laws of warfare and attacked military targets exclusively. I believe there will be no objection to reading at least this quotation. It is Page 27.

THE PRESIDENT: Page 27 of the trial brief?

DR. STAHMER: Page 27 of the trial brief. There I give a quotation from General Armengaud, the French Air Attaché in Warsaw, of 14 September 1939.

THE PRESIDENT: Yes.

DR. STAHMER: There it says: After the outbreak of war the German Air Force under its Commander-in-Chief, Göring, did not, by order of Hitler, attack any open cities in Poland; this was confirmed by Buttler, the British Under Secretary for Foreign Affairs on 6 September 1939, and by the French Air Attaché in Warsaw on 14 September 1939 (Documents 41 and 46 of the *White Book).* The latter, General Armengaud, says literally:

> "I must emphasize that the German Air Force acted according to the laws of war; it attacked military targets only and, if civilians were often killed or wounded this happened because they were near the military targets. It is important that this should be known in France and in England, so that no reprisals will be taken where there is no cause for reprisals, and so that total aerial warfare will not be let loose by us."

THE PRESIDENT: Dr. Stahmer, what is the origin of that?

DR. STAHMER: May I have a look? It is contained in the document concerning the bombing war, Number 46, "Report of the French Air Attaché in Warsaw, General Armengaud." It is dated 14 September 1939, and then comes the report from which I have already quoted.

THE PRESIDENT: Yes.

DR. STAHMER: I have submitted it.

THE PRESIDENT: Yes.

DR. STAHMER: And now I proceed to Page 30 of the trial brief. And in Paragraph 10, I refer to the creation of the Secret State Police by the Defendant Göring. A passage is quoted there from the book, *Hermann Göring, the Man and His Work,* Document Book 2, Page 53 and 54. I submit it as Document Number 44, and I quote from it the following passage:

> "It can be seen from the big Stettin trial and also from others, that Göring took ruthless measures against men who acted on their own authority against his instructions.

"The Prime Minister looked into hundreds of individual cases in connection with the supervision of political prisoners. He did not wait until he was asked; the offer was made on his own initiative.

"On the occasion of the Christmas amnesty of 1933, he ordered the release of nearly 5,000 prisoners from the concentration camps. 'Even they must be given a chance.' It would have been only too understandable if those released had found doors and gates closed to them whichever way they turned. That, however, would not be in keeping with the spirit of this act of mercy. Nobody was to consider himself shut out. Therefore, Göring in a clearly worded decree ordered that no difficulties were to be placed in the way of those released, by the authorities or by the public. If this action were to have any point, every effort must be made to take back these people, who had sinned against the state, into the community again as full fellow Germans."

And from the last paragraph, I read the second sentence:

"In September 1934 he ordered the release of an additional 2,000 prisoners in a second big amnesty."

In this connection I beg to offer a telegram which I received a few days ago, and I request that it be admitted as evidence. It is an unsolicited telegram originating from a certain Hermann Winter, Berlin W 20, Eisenach Street, 118. It has been included in the document book which I submit. I believe it is the last document in my document book.

MR. JUSTICE JACKSON: If we are to examine unsolicited correspondence or telegrams, if it is to become evidence, I have a washbasket full of it in my office that, if that kind of material could be used as evidence in this case without any verification, I could bring here in rebuttal. It does seem to me that we should know something more about this than that just a wire has come in from some unknown person who may not even have been the signer; maybe it is an assumed name. I think we are entitled to a little better foundation than that.

THE PRESIDENT: Dr. Stahmer, have you any other basis?

DR. STAHMER: I have no other basis, and I beg to have your decision whether this telegram is admissible as evidence.

THE PRESIDENT: Well, I do not think we could admit it simply as a telegram which has been received by you from an unknown person.

DR. STAHMER: I request your decision. Is it being refused? I am coming to the end, Page 34.

THE PRESIDENT: Of the trial brief?

DR. STAHMER: Page 34 of the trial brief, Figure 12. With respect to the question of whether one could blame the defendants for having had confidence in Hitler and following him, it is important to know Churchill's attitude, expressed in his book *Step by Step,* and I am quoting two passages, Document Book Number 2, Page 46.

MR. JUSTICE JACKSON: This is in 1937, before the events with which we have mainly been dealing here. I do not think it is very important. Mr. Churchill's speeches are well known, but I do think that we waste time going into Mr. Churchill's opinions back in 1937, before the event, when he is doubtless in the same position as Dahlerus, the witness, with reference to his knowledge of what was going on behind the scenes.

THE PRESIDENT: Inasmuch as we have already received this book and some passages from it, you may state this.

DR. STAHMER: I may state it? Thank you. On Page 187, in an article, "Friendship with Germany," of 17 September 1937, is written:

"One can condemn Herr Hitler's system and still marvel at its patriotic achievement. Should our country be defeated, I could only desire that we would find an equally indomitable champion who would give us our courage again . . ."

THE PRESIDENT: I only said that you could read it because you had read from this book of Mr. Churchill's, but at the same time it seems to be absolutely irrelevant.

DR. STAHMER: I did not—Oh, I see. May I refer to the quotation on Page 323 which is also a description of Hitler's personality. I consider it of importance especially because I attach considerable weight in particular to Churchill's judgment. It says: "Our leadership must at least . . ."

THE PRESIDENT: But, Dr. Stahmer, do you not think we have heard sufficient about Hitler's personality?

DR. STAHMER: Yes, but not from that source. If the Tribunal . . .

THE PRESIDENT: Presumably the Defendant Göring knows more about Hitler than Mr. Churchill.

DR. STAHMER: If the Tribunal does not wish it to be read, then of course, I will abide by that wish.

THE PRESIDENT: I think it is cumulative.

DR. STAHMER: Well, in that case I have finished. I may still of course keep in reserve the evidence which I have not been able to submit up to now, about which I spoke this morning. I said

this morning, I had a certain amount of evidence which I have not been able to submit because I have not received it yet.

THE PRESIDENT: Yes.

MR. JUSTICE JACKSON: Would this be a convenient time, if Your Honor please, to make the record concerning the documents which I was to offer formally for the record?

THE PRESIDENT: I do not quite follow? What documents are you referring to?

MR. JUSTICE JACKSON: The ones used in cross examination . . .

THE PRESIDENT: Yes, certainly.

MR. JUSTICE JACKSON: . . . which Your Honor spoke to me about.

THE PRESIDENT: Yes.

MR. JUSTICE JACKSON: I understand they have been handed to the Secretary and they have been marked.

The affidavit to Halder is USA-779. It is offered.

Document Number 3700-PS is offered as Exhibit USA-780; Document Number 3775-PS is offered as Exhibit USA-781; Document Number 3787-PS is offered as Exhibit USA-782; Document Number 2523-PS is offered as Exhibit USA-783; Document Number 014-PS is offered as Exhibit USA-784; Document Number 1193-PS is offered as Exhibit USA-785; Document Number EC-317 is offered as Exhibit USA-786; Document Number 3786-PS is offered as Exhibit USA-787; Document Number 638-PS is offered as Exhibit USA-788; Document Number 1742-PS is offered as Exhibit USA-789.

M. CHAMPETIER DE RIBES: Mr. President, Dr. Stahmer in his presentation did not speak of Document Number Göring-26. It concerns a note from the German Government to the French Government relating to the treatment of German prisoners of war in France dated 30 May 1940. The reasons which made us reject the *White Book* from the discussion make it necessary to reject this document too. I gather that Dr. Stahmer realized that and, therefore, did not speak of it any more, but I would like him to be assured that this document has been definitely rejected from the discussion.

DR. STAHMER: I have not mentioned the document. I withdraw it.

THE PRESIDENT: I call on Counsel for the Defendant Hess.

DR. SEIDL: Mr. President and Your Honors: Before commencing the submission of evidence I have to make the following remarks at the request of the Defendant Hess:

The Defendant Hess contests the jurisdiction of the Tribunal where other than war crimes proper are the subject of the Trial.

However, he specifically assumes full responsibility for all laws or decrees which he has signed. Furthermore, he assumes responsibility for all orders and directives which he issued in his capacity as Deputy of the Führer and Minister of the Reich. For these reasons he does not desire to be defended against any charges which refer to the internal affairs of Germany as a sovereign state. That applies in particular to the relations between Church and State, and similar questions. I shall, therefore, submit evidence only with reference to questions in the clarification of which other countries can have a justified interest. This applies, for instance, to the tasks and activities of the foreign organization of the NSDAP. Beyond that, evidence will be submitted to the Tribunal only insofar as this is necessary to ascertain the historical truth. This applies, among other things, to the motives which caused Rudolf Hess to fly to England and to the purposes for which he did it.

The evidence which I have prepared is collected in three document books. In view of the acceleration of the Trial desired by the Tribunal, I shall forego quoting any documents whatsoever from the first book and ask the Tribunal to take cognizance only of those parts of the document book which have been marked in red. I shall read only the affidavit which is at the end of the document book, and that is the affidavit of the former secretary of the Defendant Rudolf Hess, Hildegard Fath, and I shall read furthermore . . .

THE PRESIDENT: Dr. Seidl, if your are passing from your opening remarks and going to deal with the documents, I think it is right to point out to you that there can be no challenge to the jurisdiction of this Court, here. Article 3 provides that the Tribunal shall not be challenged by the Prosecution or by the Defendants or their Counsel, and the Tribunal cannot hear any argument upon that subject. Now you can go on with your documents.

DR. SEIDL: There will furthermore be read from the second volume the record of a conversation between the Defendant Rudolf Hess and Lord Simon, which took place on 10 June 1941 in England. So as to prevent interruption in the reading of the documentary evidence, I shall today read only the affidavit of the witness Hildegard Fath, Page 164 of the document book. The affidavit reads as follows:

> "Having been advised of the consequences of a false affidavit, I declare under oath the following, which is to be submitted to the International Military Tribunal in Nuremberg:

Then come the "Personal Data;" and I am now quoting literally from Figure 2:

> "I was employed as private secretary of the Führer's Deputy, Rudolf Hess, in Munich, from 17 October 1933 until his flight to England on 10 May 1941.

"Beginning in the summer of 1940—I cannot remember the exact time—I had, by order of Hess, to obtain secret weather reports about weather conditions over the British Isles and the North Sea, and to forward them to Hess. I received the reports from a Captain Busch. In part I also received reports from Miss Sperr, the secretary of Hess with his liaison staff in Berlin.

"Hess left a letter behind on his departure by air for England, which was handed to the Führer at a time when Hess had already landed in England. I read a copy of this letter. The letter began with words more or less like this:

" 'My Führer; when you receive this letter, I shall be in England.' I do not remember the exact wording of the letter. Hess occupied himself in the letter mainly with the proposals which he wanted to submit to England in order to achieve peace. I can no longer remember the details of the proposed settlement. I can however state definitely that no word was mentioned about the Soviet Union or about the idea that a peace treaty should be concluded with England in order to have the rear free on another front. If this had been discussed in the letter, it certainly would have been impressed upon my memory. From the content of the letter the definite impression was to be gained that Hess undertook this extraordinary flight in order to prevent further bloodshed, and in order to create favorable conditions for the conclusion of a peace.

"In my capacity as secretary of long standing, I have come to know Rudolf Hess quite well and his attitude towards certain questions. If I am told now that, in a letter of the Reich Minister of Justice to the Reich Minister and Chief of the Reich Chancellery, Dr. Lammers, of 17 April 1941, it was mentioned that the Führer's Deputy had discussed the introduction of corporal punishment against Poles in the annexed Polish territories, I cannot believe that this attitude of the department headed by Hess was due to any personal decision of his. Such a proposal would be totally contradictory to the behavior and attitude which the Führer's Deputy displayed with regard to similar questions on other occasions."

I shall refrain from reading the affidavit of the witness Ingeborg Sperr, Page 166 of the document book.

From the first two volumes of the document book I wish still, as I have already said, to read only parts from a discussion between Hess and Lord Simon. However, in order to prevent the report of this discussion from being interrupted, I ask permission of the Tribunal to read this document to the Tribunal next Monday?

THE PRESIDENT: Yes, certainly. You mean not to go on any more now?

DR. SEIDL: With the permission of the Tribunal, I shall stop now.

THE PRESIDENT: Have you no other document you wish to produce?

DR. SEIDL: I beg your pardon? Yes, there are some documents in Volume 3 of the document book; but, however, I should prefer to submit these documents coherently to the Tribunal.

THE PRESIDENT: Very well, Dr. Seidl, if you wish it, we will adjourn now.

[The Tribunal adjourned until 23 March 1946 at 1000 hours.]

EIGHTY-NINTH DAY

Saturday, 23 March 1946

Morning Session

THE PRESIDENT: Have you consulted the Defense Counsel as to the order in which they wish to take these supplementary applications?

SIR DAVID MAXWELL-FYFE: I have the order which the Tribunal has, beginning with Streicher.

THE PRESIDENT: Perhaps that would be the most convenient then. Is Streicher's counsel ready? Dr. Marx?

SIR DAVID MAXWELL-FYFE: Yes; Dr. Marx is here.

DR. HANNS MARX (Counsel for Defendant Streicher): Your Honors, Mr. President, on behalf of the Defendant Streicher I have applied for the calling of Fritz Herrwerth as a witness before the Tribunal. This witness is a man who has been in the immediate vicinity of the Defendant Streicher for years and who, because of that, is in a position to offer information on all political events that can in many ways have a bearing on the decision and judgment in the case of Streicher. In particular, I have applied for this witness because he was present on that night of 9 to 10 November when the Defendant Streicher had a conference with the SA leader Von Obernitz, at which Von Obernitz informed Streicher that he, Obernitz, had received the order to carry out demonstrations against the Jewish population during that night. Streicher will establish that he then told Herr Von Obernitz that he, Streicher, kept himself aloof in this affair, that he considered these demonstrations a mistake, and disapproved of them. Obernitz thereupon stated that he had received the order from Berlin and had to carry it out. It can...

THE PRESIDENT: Sir David, do you object to this alteration of our previous order?

SIR DAVID MAXWELL-FYFE: My Lord, we have not seen any change in the situation as the Tribunal decided it, but we do not want to press against this witness being called orally, except that we must point out that there is not any change. All these matters were gone into by the Tribunal. If the Tribunal feels that it would be better that the witness should be called orally, then the Prosecution will not take any objection.

THE PRESIDENT: Have these interrogatories been drawn up?

DR. MARX: No, they have not yet been completed. I beg your pardon, Mr. President; is this question put with reference to the witness Herrwerth?

THE PRESIDENT: Yes.

DR. MARX: Yes, the questions to the witness have been completed; the questions which the Defendant wishes . . .

THE PRESIDENT: Dr. Marx, we will reconsider that. You have got something else, haven't you, Dr. Marx? You want some document; you have got a document you are asking for, have you not, or don't you ask for that?

DR. MARX: May I speak, Mr. President? Actually, I should like to ask that both the documents referred to be placed at my disposal. That is, the matter of the suit against Karl Holz in the year 1931, and the files of the disciplinary proceedings against Julius Streicher, concerning which I am unfortunately not able to give the year. It might be 1931.

THE PRESIDENT: But, Dr. Marx, did we not, with the agreement of the Prosecution, strike out a passage from a document which was critical of the Defendant Streicher? Does that not render this evidence entirely irrelevant?

SIR DAVID MAXWELL-FYFE: That was about the witness Lothar Streicher, the son, about an interview that took place in prison at which there were certain allegations, and these were struck out by the consent of the Prosecution. I confess I don't know whether the disciplinary proceedings in the matter of Streicher . . .

DR. MARX: I beg your pardon, Mr. President. May I speak? The matter in which Lothar Streicher figures is from the Göring report concerning the visit or the conversation Streicher had with three youthful criminals, during which Streicher was supposed to have taken an ugly or improper attitude. Lothar Streicher was named as a witness by me to testify that at that time no such thing happened. That is in connection with the report of the Göring commission, whereas the other matter is concerned with a disciplinary action. This proceeding was completed in 1931 before the disciplinary court at Munich.

THE PRESIDENT: Wasn't it all in connection with the same alleged offense by Streicher?

SIR DAVID MAXWELL-FYFE: My Lord, I have the details now, if I might read them. I think it makes them clear. The first application in relation to the proceedings against Karl Holz reads:

"The documents requested herein will be used to prove the following facts:

"During these proceedings Dr. Erich Bischof, an authority on the *Talmud,* from Leipzig, gave evidence under oath that there was, in the Jewish religious book *Sohar* a law allowing ritual murder."

THE PRESIDENT: But, Sir David, there are two different applications, aren't there? There is this application with reference to the Jewish religious book, and then there is the other application with reference to the trial of Karl Holz.

SIR DAVID MAXWELL-FYFE: As I understood it, My Lord, this application is headed, "Files in the Trial in the Matter of Karl Holz," and one of the pieces of evidence in the trial of Karl Holz, according to Dr. Marx's application, was the evidence of Dr. Erich Bischof as to the *Talmud;* and the application goes on to say that "these facts are relevant to my defense for the following reasons: The accused wishes to prove with these court records"—that is, the record from the trial of Holz—"that *Der Stürmer* did not deal with the question of ritual murder contrary to his better knowledge." That is, as I understand it, that *Der Stürmer* dealt with ritual murder according to the knowledge of Dr. Bischof, as expressed at that trial. That, in my respectful submission, would be quite irrelevant.

THE PRESIDENT: What is the date of this religious book? It was written in the Middle Ages, wasn't it?

SIR DAVID MAXWELL-FYFE: I think so, My Lord, and it was produced on 30 October and 4 November 1931, by Dr. Bischof.

Then, My Lord, the second one—just to get it clear, so Your Lordship will have it in mind—it is the files of the disciplinary proceedings in the matter of Streicher at the disciplinary court at Munich.

"The documents requested herein will be used to prove the following facts:

"The accused wishes to prove, with the production of these files, that he was not dismissed from his profession because of indecent assault, but on political grounds, and with the granting of part of his salary."

I myself don't see the relevance of it, but perhaps Dr. Marx can inform the Tribunal.

THE PRESIDENT: Is it charged against him in the Indictment?

SIR DAVID MAXWELL-FYFE: No, there is nothing about his criminal record other than on anti-Jewish grounds.

THE PRESIDENT: In that connection the Prosecution agreed to strike out any reference to that incident, didn't it?

SIR DAVID MAXWELL-FYFE: I am not sure that it is the same incident, but the Prosecution did agree to strike out the only reference to it that appeared in the record, to my knowledge—to any

reference to a matter of that kind. That was as to the treatment of certain boys in prison.

DR. MARX: Mr. President, may I, to clarify the matter, make a few statements now. The defense counsel for the Defendant Streicher applied to have the file on this disciplinary case produced for the following reason:

Streicher was asked by a Russian interrogator whether he had been dismissed from his office because of moral delinquency and therefore it is necessary to have the file on this disciplinary case produced. This file shows that Streicher was not dismissed from his school post because of indecent conduct, but because of his political attitude. That is one point. And quite apart from that is the matter in which Lothar Streicher is supposed to act as a witness. That was the matter mentioned in the report of the Göring commission concerning the three young delinquents who were visited by Streicher, and on which occasion he is supposed to have been guilty of indecent manipulations or gestures.

I come now to the question of Dr. Bischof, Mr. President. This matter concerns the following: Streicher is accused, with reference to quotations from the *Talmud,* or quotations referring to ritual murder, either of having consulted an incorrect translation, or of not having ascertained facts sufficiently, in a frivolous and grossly negligent way.

THE PRESIDENT: When you say, Dr. Marx, that he is being reproved with that, there is no such charge in the Indictment. No such charge has been made in the course of the case of the Prosecution. The charge against him is that he provoked the German people to excesses against the Jews, not by misquoting some Jewish book, but by referring to Jewish books of the Middle Ages.

DR. MARX: I take the liberty of drawing attention to the fact that, on the contrary, the Prosecutor, Lieutenant Colonel Griffith-Jones, when he presented the case against Streicher, referred to this point explicitly and accused Streicher of having here, against better knowledge, quoted passages from the Talmud. And consequently, it is important that this file against Holz is consulted, because in it is established, by the witness Dr. Bischof, how the quotations came about. This Dr. Bischof is a recognized scholar. But, Mr. President, the whole matter could still be shortened if the Prosecution would state today that this whole matter regarding the ritual murder is not to be made a subject of the Indictment. There would then be eliminated from the trial an element which could only extend it in any case, and which can play no important part against the defendant anyhow, and has nothing to do with the actual Indictment.

SIR DAVID MAXWELL-FYFE: I want to make that position perfectly clear. The important point in the case for the Prosecution

is the use of the suggestion against the Jews that they committed ritual murder. If someone takes something out of a book in the Middle Ages and reproduces it so that it will be understood by the ordinary reader as being a practice of Jews, or a reason for disliking Jews, then the Prosecution says that that is an evil method of stirring up hatred against the Jews. Whether anyone can find in the Jewish book of the Middle Ages some remark about ritual murders is really immaterial. The gravamen of the case for the Prosecution is using the ritual murder accusation as a method for stirring up hatred against the Jews today. That is the case which the defendant has to meet.

THE PRESIDENT: We will consider the application.

DR. MARX: I beg your pardon! I consider it necessary, nevertheless, to answer at least very briefly the statements of the preceding speaker, Sir David Maxwell-Fyfe. The fact is that the special number of *Der Stürmer* under discussion makes reference in particular to a trial which took place in 1899 at Piseck, in Moravia or Bohemia, and during which this question also figured. It is thus not true that the Defendant Streicher had as his basis only medieval superstition, but on the contrary, that he dealt with material taken from modern legal history, using material, the genuineness of which I cannot establish, but which I cannot simply dispose of as incorrect and which the Tribunal also would probably have to investigate. That is why I said that this entire matter ought not to be touched at all. For here it is a question merely of whether Streicher was acting in good faith or not, and if he can say that trials of that kind have taken place and the judges actually were not unanimous, then one cannot say in fact that he acted against his better knowledge. That is what is essential in this matter. Thus, I personally would prefer to have this matter eliminated, if the Prosecution would no longer consider this whole subject matter as part of the Indictment.

THE PRESIDENT: We will consider the application.

SIR DAVID MAXWELL-FYFE: The next one on the list that I have, My Lord, is an application by the Defendant Göring for a Major Buex; spelled "B-u-e-x." I asked Dr. Stahmer and he was good enough to tell me that that was the same gentleman who was asked for as a witness by the Defendant Jodl, under the spelling of "B-u-e-c-h-s." I understand the Tribunal has granted him as a witness to the Defendant Jodl, and Dr. Stahmer will have the opportunity of asking him the questions then.

DR. STAHMER: I agree.

SIR DAVID MAXWELL-FYFE: The next is an application by the Defendant Von Ribbentrop. He requests Herr Hilger as a witness. The grounds of the application are that Dr. Horn and the Defendant

Ribbentrop found that the witness Gaus, for whom he had asked, was not able to give as much assistance as had been expected, and that they desired this witness Hilger in addition. The view of the Prosecution is that the defendant should have either Hilger or Gaus as a witness and an interrogatory to the other one, and we have no objection to the witness Hilger being brought to Nuremberg for consultation.

DR. SIEMERS: I am deputizing at the moment for Dr. Horn, defense counsel for the Defendant Ribbentrop. Actually, I had wanted to ask Sir David to postpone this matter a little, as I have had Dr. Horn asked to come here himself. We, the Defense Counsel, were not informed which applications would be dealt with today. Hence Dr. Horn is not present at the moment. But I think that, if the Tribunal agree, the matter can perhaps be dealt with now, as far as I know, but I have to speak with Dr. Horn first, at any rate. I am speaking without prejudice.

THE PRESIDENT: I do not know what you mean about not being informed about these applications. I made the statement yesterday that supplementary applications for witnesses and documents would be taken this morning. I do not understand your saying you did not know what would be done. The Tribunal has no objection to it being taken later when Dr. Horn is here, if he comes in time.

DR. SIEMERS: Yes, and may I suggest that if Dr. Horn does not return in time, I am ready to settle the matter for him; by then I will be in a position to do so.

THE PRESIDENT: Very well.

DR. MARX: Pardon, Mr. President; may I make one more very brief statement? Streicher just informs me that I should state that he will forego the witness Lothar Streicher. If, therefore, the calling of this witness was considered, then I state that the Defense will withdraw application for him.

THE PRESIDENT: Hasn't that been allowed—Lothar Streicher?

SIR DAVID MAXWELL-FYFE: He was the witness who was not to be allowed on condition that the Prosecution applied to strike out this passage, and we agreed to that.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: The next is an application for the Defendant Von Papen.

THE PRESIDENT: One moment, Sir David. Has that letter about withdrawing the statement about the witness Lothar Streicher been read into the record?

SIR DAVID MAXWELL-FYFE: I do not know if it has been read into the record. It has been sent to the Court.

THE PRESIDENT: It had better be put in as a document.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases. My Lord, the next is the application for the Defendant Von Papen, who requests that the witness Josten, who has been approved by the Tribunal as a witness, be changed to an affidavit, which counsel already has, and Dr. Kubuschok requests that Kroll be allowed as a witness. My Lord, the position with regard to Kroll was that the Prosecution submitted that he was not relevant, but the Tribunal allowed interrogatories for Kroll and, therefore, the Prosecution accepts the decision of the Tribunal that he is therefore relevant. On that basis, as Dr. Kubuschok is dropping one witness, we feel that we cannot object to his being brought as an oral witness, since the Tribunal has decided that his testimony is relevant.

THE PRESIDENT: Yes; and as to Josten, has the affidavit been submitted to you?

DR. KUBUSCHOK: Yes, I have just received it with his signature. The witness Josten has appeared today and has signed the affidavit.

THE PRESIDENT: All I am thinking of is that the Prosecution may hereafter want to have him called for cross-examination.

SIR DAVID MAXWELL-FYFE: We have not seen the affidavit yet, My Lord; I am sorry. I will look into that.

THE PRESIDENT: The result of that would be that both witnesses would have to be here.

SIR DAVID MAXWELL-FYFE: I appreciate that, My Lord.

THE PRESIDENT: I was taking it that Dr. Kubuschok meant an affidavit and not an interrogatory.

DR. KUBUSCHOK: Yes, a sworn affidavit.

SIR DAVID MAXWELL-FYFE: Perhaps, My Lord, the Tribunal would postpone a decision on this point until I have had a chance to consider the affidavit, and then I will communicate with Dr. Kubuschok and with the Tribunal.

THE PRESIDENT: Yes, very well.

DR. KUBUSCHOK: May I, Mr. President, mention yet another case. I had been granted the witness Von Tschirschky, who is at present in England, for oral interrogation. The witness has written to the Tribunal that it is difficult for him to be absent from England at the moment, and requests that his evidence be taken in writing. I am agreeable to this and have drafted an interrogatory which is now being submitted to the Tribunal. This, again, would mean

another witness gone, Tschirschky, as well as Josten, so that I request earnestly that the witness Kroll be granted as an oral witness, since a considerable saving of time has now been accomplished.

THE PRESIDENT: Sir David, you have no objection to that?

SIR DAVID MAXWELL-FYFE: No, I have no objection to that. I may have to consider certain cross-interrogatories for the witness, but that will not affect the position of Dr. Tschirschky.

Next is the application by the Defendant Rosenberg for a document—Hitler's letter to Rosenberg dated 1924. This document is in regard to Rosenberg's anti-Semitism. As far as I know, the Prosecution has not any of these documents, but Dr. Thoma can explain what he wants. I have no objection to having these documents if they can be found.

DR. THOMA: Mr. President, may I first draw your attention to the fact that my application for a document—Rosenberg's letter to Hitler, in which Rosenberg asks not to be a candidate for the Reichstag—has since been handed to me. This application has thus been settled. Secondly, I have . . .

THE PRESIDENT: Just a moment, Dr. Thoma. You withdraw that application because you have that letter, do you not? You said, "With that, the application has been settled." Do you mean that you withdraw that application?

DR. THOMA: No, Mr. President. The Tribunal has already permitted me to offer this document as soon as it was found. It has since been found.

Furthermore. I should like to draw attention to the fact that the document in which Rosenberg writes to Hitler and asks to be relieved from the position of editor-in-chief of the *Völkischer Beobachter* has been allowed me likewise. But I have not yet received it.

Thirdly, may I ask that two further documents be granted me. Two documents, which, during interrogation, have already been shown to Rosenberg by the Prosecution. The first is a decree of Hitler sent to Rosenberg in June 1943, in which Hitler instructs Rosenberg to limit himself to the principal matters in Eastern questions . . .

THE PRESIDENT: Dr. Thoma, you are now dealing with applications which are not in writing; are you not?

DR. THOMA: Yes, I have already submitted them in writing.

THE PRESIDENT: I have only two applications here as far as I can see.

One with reference to Hitler's letter to Rosenberg dated 1924, and the other with reference to three books about Jews. These are the only two applications I have got.

DR. THOMA: Mr. President, I already made these applications during open session, and as far as I know, I had submitted them in writing even before making them in open session. I have in fact received an answer as regards two documents applied for. But for two applications the reply is still outstanding. Hence I request the Tribunal's permission to submit these two applications in writing again.

THE PRESIDENT: Yes, you will be allowed to if you will make them clear. You ask for two further documents, and the first one, I understood you to say, was a decree dated June 1943. Is that right?

DR. THOMA: That is correct. And the next document is a letter from Hitler to Rosenberg in which Hitler informs Rosenberg of the reasons for his not wanting to work in the Reichstag and for not wanting to participate in the elections. But I do recall that I submitted this application in writing, and I beg to submit it again now.

THE PRESIDENT: Yes, the application will be considered. Are you referring to the document of 1924, the letter from Hitler to Rosenberg dated 1924?

DR. THOMA: Yes, 1923 or 1924. Then, Gentlemen, I have also this fundamental application regarding the question of anti-Semitism. I have asked here to be permitted only a few historic writings, these on the question as to why the Jewish problem has existed in Germany, I believe even from the 8th century, and why persecutions of the Jews recur persistently in Germany. I want thereby to establish that in this connection we are concerned with some tragic fact which we do not rationally understand. By producing evidence both from Jewish and from Christian theological literature, I want to prove that we are not concerned with the fact that the German people were misled into exterminating the Jews, and that the influence of the National Socialist Party was such as to bring the German people to such hate for the Jews, but that we are rather here facing irrational conditions and that this is recognized both in Jewish and Christian literature. I wish also to establish that an intellectual dispute between Jewry and the German race has existed on a purely intellectual level, and in fact in a purely intellectual way, because actually Moritz Goldstein said in 1911—I mention only one example—that the Jews in Germany administer the intellectual wealth of Germany. Thus here it is a matter of depicting the problem in Germany, the role of Judaism in the cultural history of Germany, and why such a drastic contrast between Judaism and the

German race exists here in Germany. I intend to quote only literature in this connection, but I believe that my statements in the closing speech will not be sufficiently credible to the Court if I have not also quoted scientific—recognized scientific—writings. That is all with which I am concerned.

THE PRESIDENT: Dr. Thoma, your applications will be considered.

SIR DAVID MAXWELL-FYFE: The next application is on behalf of the Defendant Speer, who requests a number of documents dealing with the Central Planning Committee. I have not actually had the opportunity of checking these with the exhibits, but if, as I believe, they are the ones which were put by Mr. Justice Jackson to the Defendant Göring in cross-examination, I think they are all either exhibits or the documents which the Prosecution have, and they relate to the Defendant Speer. If he does not have them, then we should do our best to give them copies.

THE PRESIDENT: Sir David, you said they all had been put to the Defendant Göring in cross-examination and were either exhibits or documents; but if they have been put to the Defendant Göring, then they should be exhibits . . .

SIR DAVID MAXWELL-FYFE: Yes, Your Honor, they should be exhibits; I have not had the opportunity of checking them, but if they have been presented in Court they must be exhibits.

The next one is an application on behalf of the Defendant Seyss-Inquart for interrogatories to be submitted to Dr. Uiberreither. The Tribunal will remember he was Gauleiter of one of the outstanding Austrian Gaue, and a collaborator in the National Socialist Movement in Austria. I have no objection to these interrogatories being submitted.

THE PRESIDENT: He gave another affidavit, did he not, a day or two ago?

SIR DAVID MAXWELL-FYFE: Yes, Sir. That was for another defendant, Göring. Dr. Uiberreither obviously has some knowledge of the Austrian position. The only question is as to the requirements and the special subject of the interrogatories. I don't know. I have to reserve my position as to actual wording of questions.

THE PRESIDENT: Have you seen the interrogatory?

SIR DAVID MAXWELL-FYFE: No, My Lord.

THE PRESIDENT: They have been deposited before us.

SIR DAVID MAXWELL-FYFE: I am sorry, My Lord; I had seen them. It is my mistake. Dr. Uiberreither right here comes into the picture once or twice. I had seen this application. And the only

objection the Prosecution felt was to the somewhat leading form of the questions that were put, and perhaps my friends, Mr. Dodd and Colonel Baldwin, could have a word on that point with Dr. Kubuschok, or whoever represents Seyss-Inquart, before they are actually delivered.

THE PRESIDENT: Very well.

SIR DAVID MAXWELL-FYFE: The next one is an application in regard to the Defendant Sauckel. Dr. Kubuschok tells me there is another application on behalf of Seyss-Inquart which was not on the form in front of me. *[Turning to Dr. Kubuschok.]* Perhaps you would develop that?

DR. KUBUSCHOK: The Defendant Seyss-Inquart is requesting permission for an interrogatory to the witness Bohle. The examination of this witness has been refused by the Tribunal on the grounds that it would be cumulative evidence. The Defendant Seyss-Inquart requests again to have these matters of evidence clarified, this time only by way of an interrogatory. The witness is essential, particularly as the subject of his evidence cannot be established by means of other direct witnesses. The other witnesses who have been named in this connection can only state what they have been told by Bohle. Regarding the actual events, Bohle is the only man who can make statements based on his own knowledge.

THE PRESIDENT: Dr. Kubuschok, if other witnesses who have been granted are going to give what we call hearsay evidence, from what they heard from Bohle, why wasn't Bohle asked for instead of one of these other witnesses?

DR. KUBUSCHOK: I do not know the intention of my colleague who is defending Seyss-Inquart. All I know is that he has asked supplementarily for indirect witnesses here, but I am told now that Bohle is considered as a direct witness, and this because it must be expected that the other witnesses, for whom this matter is not so important, may not remember some points.

THE PRESIDENT: Did you want to say anything about it, Sir David?

SIR DAVID MAXWELL-FYFE: The Tribunal will remember that I informed the Tribunal that all the questions to Bohle were the same as those to the witness Von der Wense, except two, which I think dealt with the requisitioning of lorries, and about which there could be little dispute. It seemed to the Prosecution therefore that here was clear proof that this witness was entirely cumulative. The interrogation is the same, word for word, as the interrogation of the witness, Von der Wense.

DR. KUBUSCHOK: It was certainly not expressed clearly in the original applications that the other witnesses only know what they

have heard from Bohle. In fact, we are here concerned with evidence on instructions given by Bohle personally, on which he is of course the best witness. If necessary we would agree that the subject of that evidence be eliminated as far as the other witnesses are concerned.

THE PRESIDENT: Unless the matter can be agreed upon, the Tribunal can scarcely decide on it without seeing the interrogatory to Bohle and the interrogatories to these other witnesses. Would it meet the case if we were to grant this interrogatory on the condition that, if it appeared subsequently that other interrogatories when considered with this one were cumulative, they might be disregarded?

SIR DAVID MAXWELL-FYFE: Certainly, as far as I am concerned.

THE PRESIDENT: Very well.

SIR DAVID MAXWELL-FYFE: The next is the Defendant Sauckel, and Dr. Servatius and Mr. Roberts of my staff have been considering this carefully together. Dr. Servatius is not here. Perhaps Mr. Roberts can tell the Tribunal how far they got.

MR. ROBERTS: Dr. Servatius submitted a list of about 90 documents, a formidable number; but most of them are short extracts from various decrees and orders relating to the employment of labor, and it is difficult to find any reason for objecting to them. Dr. Servatius at my suggestion agreed to take from his list about 10 or 15 as cumulative. There are about four documents relating to alleged ill-treatment of workers at the hands of the enemies of Germany, to which I have objected on the ground that they are not relevant, and as to those documents a decision of the Tribunal will be necessary as a question of principle.

My Lord, as Dr. Servatius could not, as I understand, be here today, perhaps we could discuss the matter with the General Secretary on his return at the beginning of next week, so that the matter then could be put in a convenient and more or less agreed on form to the Tribunal.

THE PRESIDENT: Yes.

Then you haven't been able to come to any agreement about the witnesses, have you?

MR. ROBERTS: My Lord, I thought the position as to the witnesses was this: That Sir David some weeks ago discussed it before the Tribunal and Dr. Servatius discussed it, and Sir David conceded the calling of six witnesses and affidavits from a number of others. That was considered by Dr. Servatius, and he submitted his final and much-reduced list of 11 witnesses, which I handed to an official of the Tribunal, and which I understood has been before the Tribunal.

THE PRESIDENT: Have you the date there? Is it 4 March 1946?

MR. ROBERTS: I have a document before me in German . . .

THE PRESIDENT: I see.

MR. ROBERTS: And the Prosecution's position was fully stated by Sir David when these matters were being considered before, and it would be now really for the Tribunal, I think, to decide on those two contentions—one for 6 witnesses, and one for 11. What their decision should be . . .

THE PRESIDENT: Sir David, that takes us to the end of the listed ones. There were some that were received later.

SIR DAVID MAXWELL-FYFE: There is one from the Defendant Frank who requests interrogatories to Ambassador Messersmith. That was granted by the Tribunal, and in an executive session. It was not requested in Counsels' consolidated applications, but heard in open court. There is obviously no objection to that in principle that the Prosecution are aware of.

Then the Defendant Von Ribbentrop requests the book, *America in the Battle of the Continents,* by Sven Hedin . . .

THE PRESIDENT: Other defendants have administered interrogatories to Mr. Messersmith, have they not?

SIR DAVID MAXWELL-FYFE: Yes, Sir.

THE PRESIDENT: Have the answers been received yet?

SIR DAVID MAXWELL-FYFE: They have not been received, I am told.

THE PRESIDENT: How long is it since they were sent off?

SIR DAVID MAXWELL-FYFE: I will find out, My Lord. 21 February.

THE PRESIDENT: You have seen these interrogatories, the ones now suggested by the Defendant Frank?

SIR DAVID MAXWELL-FYFE: I am not sure.

THE PRESIDENT: There are five of them.

SIR DAVID MAXWELL-FYFE: The position is that we got them yesterday and they are still being discussed between my delegation and the American delegation. They have not actually come to me yet.

THE PRESIDENT: We had better consider this.

SIR DAVID MAXWELL-FYFE: The next is an application by the Defendant Von Ribbentrop, who asks for the book, *America in the Battle of the Continents,* by Sven Hedin. That must be subject

to the general use of books, and if there are passages that the defendant wants to use, if he will submit them then we can deal with their relevance when the individual passage comes up.

THE PRESIDENT: That also will be considered.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases. Then there is an application on behalf of the Defendant Schacht for the book, *Warnings and Prophecies,* by the late Lord Rothermere. The same, I submit, should apply to that. Any passages desired to be used can be extracted and shown to us, and then their relevance can be considered when use is attempted to be made of them. Dr. Dix nods agreement to that.

Now, I understand there is an application on behalf of the Defendant Von Neurath. I understand that he wishes copies of the interrogations of Dr. Gaus, who is the gentleman who is mentioned as a witness for the Defendant Von Ribbentrop. The general ruling of the Tribunal has been, as I understand it, that the defendants are only entitled to copies of interrogations which are going to be used against them, that is, their own interrogations, and it would be an extension of the rule which might lead us into general difficulties if this were extended to copies of the interrogations of other witnesses. Therefore the Prosecution object in principle to that.

But as I gather that Dr. Von Lüdinghausen wants it for the purpose of preparing the case, if he would care to come and see me or my staff, perhaps it could be conveyed to him; and if he indicates any matters on which we can help him, we will be very pleased to discuss them with him.

THE PRESIDENT: Where is Dr. Gaus?

SIR DAVID MAXWELL-FYFE: In Nuremberg.

THE PRESIDENT: Can't Dr. Lüdinghausen see him here?

SIR DAVID MAXWELL-FYFE: I would welcome that. I have not the least objection to that at all. That will probably ease the situation.

THE PRESIDENT: Both courses appear appropriate, that Dr. Lüdinghausen could perhaps see you . . .

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: . . . with reference to interrogatories and see Dr. Gaus in the prison here.

SIR DAVID MAXWELL-FYFE: I welcome both of these courses.

THE PRESIDENT: Very well, that concludes the matters.

SIR DAVID MAXWELL-FYFE: As far as Ribbentrop is concerned . . .

THE PRESIDENT: Dr. Siemers, as Dr. Horn is not here, perhaps you could deal with that application with reference to Hilger.

DR. SIEMERS: Yes. I am prepared to do that, but since I have not talked to Dr. Horn I must ask that Dr. Horn not be bound by my statements.

Hilger is a witness of very great importance, since he was an Embassy Counsellor in Moscow, and that during the period when negotiations for a pact were conducted between Germany and Russia, until the outbreak of the war with Russia. He is therefore the person who participated in all negotiations, is well acquainted with the attitude and the dealings of Von Ribbentrop, and therefore the best informed and most reliable witness. Hilger, until now has been in the background as a witness, since Dr. Horn had asked for the ambassador, Dr. Gaus. But Dr. Horn withdrew, or has withdrawn, his application for Dr. Gaus, as far as I know, and wants only, in reference to some lesser points, to have possibly an affidavit or an interrogatory. I assume that Sir David agrees to this, if I submit it in that form.

THE PRESIDENT: Yes, Dr. Siemers?

DR. SIEMERS: Sir David has just very kindly expressed his agreement to this course.

SIR DAVID MAXWELL-FYFE: I agree, My Lord, as I suggested, that if this witness Hilger is called as an oral witness, an interrogatory be administered to the witness Gaus.

THE PRESIDENT: Very well.

That is all, isn't it?

SIR DAVID MAXWELL-FYFE: That is all.

THE PRESIDENT: The Tribunal will adjourn to consider these matters.

[The Tribunal adjourned until 25 March 1946 at 1000 hours.]